

Snyder  
Jerome Downiev.  
C.A. # 04-970 (JJF)CitiSteel, USA, Inc.  
July 21, 2006

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1 Q. Let me take to you the next page, D222.  
 2 There's signatures on this page underneath 31 that's  
 3 checked off. Who's that first person, "JD"?

4 **A. Me.**

5 Q. And the second, "GB"?

6 **A. Yes.**

7 Q. Who is that?

8 **A. Greg Buragino.**

9 Q. And the third, "RH"?

10 **A. Randolph Harris.**

11 Q. And the fourth, "WB"?

12 **A. Warren Bieger.**

13 Q. My question is: Are these the names of the  
 14 people that were involved in the meeting?

15 **A. Which meeting?**

16 Q. The management meeting.

17 **A. To the best of my recollection, it was me,**  
 18 **Greg, and Warren, and I think during the meeting we**  
 19 **called Randolph in and asked him some questions and he**  
 20 **left.**

21 Q. Okay.

22 **A. So I think that's my recollection.**

23 Q. So where it says: "Discussed investigation  
 24 results and proposed action with investigation team,"

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1 that day.  
 2 **A. Well, whatever I put down here, you know, it**  
 3 **could refresh my memory. If you want me to give you**  
 4 **the thrust of the conversation in broadbrush, I will.**  
 5 **Is that what you want me to do?**

6 Q. I kind of just want you to tell me what you can  
 7 recall.

8 **A. What I can recall. Okay.**

9 Q. Yes.

10 **A. I beg to say that I got another meeting**  
 11 **confused with this one, and so I'll be a little**  
 12 **repetitive.**

13 **At this meeting I believe I expected that**  
 14 **Terry was going to bring in the tapes or whatever**  
 15 **she -- you know, diaries or whatever and she didn't**  
 16 **have it and it was her right.**

17 **And so without any other further**  
 18 **information, we, the company, suggested that -- I'm**  
 19 **looking back at this piece of paper. There was some**  
 20 **upsetness in here and this and that. Terry was**  
 21 **upset, and some of that is understandable. Both doors**  
 22 **in my office were open and Terry was pretty loud. The**  
 23 **tape recorder incident, she had a tape recorder. I**  
 24 **asked her to please turn it off. She said she did.**

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1 you didn't mean to put Randolph Harris there?  
 2 **A. Well, I put him there because I'm pretty**  
 3 **positive we called him in and the president of the**  
 4 **company wanted to ask him some questions directly**  
 5 **face-to-face, and then he left.**

6 **So to the extent he was part of that**  
 7 **meeting, I put his initials down. That's my**  
 8 **recollection.**

9 Q. Now I'd like to take you to that final meeting  
 10 with Ms. Snyder. If you could turn to document D381.

11 MS. BREWINGTON: I'd like to have that  
 12 marked as Downie 5.

13 (Downie Exhibit 5 was marked for  
 14 identification.)

15 BY MS. BREWINGTON:

16 Q. Take a look at this document. It's dated  
 17 July 10th, 2003. Do you think this was an error on  
 18 your part or was it completed on July 10th, 2003?

19 **A. You know, I have no idea.**

20 Q. Okay.

21 **A. I don't know.**

22 Q. It is a memo from you to Terry Snyder's file  
 23 and the subject is "Meeting with Terri Snyder." Okay.

24 Tell me about your conversation with her on

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1 **Apparently she didn't.**  
 2 **But, anyway, we -- the thrust of the**  
 3 **conversation was that absent no other information, we**  
 4 **suggested that she consider the job in shipping. And**  
 5 **as I stated before, she had been -- I felt like I was**  
 6 **being provoked and she wanted to be fired. At one**  
 7 **point she said, "Are you firing me?" And I said,**  
 8 **"No." I remember that.**

9 **And she was offered the position in**  
 10 **shipping. And I told her, you know, if you want to go**  
 11 **think about it, go over there, talk to someone, see**  
 12 **what it's like or whatever and -- and as far as I can**  
 13 **remember, she really just didn't want to consider it.**

14 Q. Was your investigation complete at that time?

15 **A. I think -- yes, yes.**

16 Q. What were the findings of your investigation?

17 **A. Well, the findings were that there was no**  
 18 **evidence of sexual harassment and the company felt**  
 19 **that these two individuals needed to be separated and**  
 20 **that -- this is a conclusion -- and that -- do you**  
 21 **want to hear the conclusion or just the findings?**

22 Q. I want to hear whatever you want to tell me.

23 **A. Those are our findings.**

24 Q. So you don't want to tell me the conclusion?

15 (Pages 54 to 57)

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1 A. Well, the conclusion -- if you want to know the  
2 conclusion, I would be happy to. The conclusion was  
3 they have to be separated. The other conclusion was  
4 is that we did not intend for Terry to leave the  
5 company. We wanted Terry to have an opportunity to  
6 work elsewhere in the company.

7 Q. Did you give her the option of returning to the  
8 melt shop?

9 A. No.

10 Q. So it was the shipping department or  
11 resignation?

12 A. Actually, I never said that and I -- I did say  
13 that if you went to the shipping department, something  
14 like -- I don't know what I exactly said, but people  
15 transfer from time to time around the plant and maybe  
16 if she went to the shipping department for a while and  
17 didn't like it, she had the options of perhaps going  
18 elsewhere.

19 Q. That's what you told her in the meeting?

20 A. I -- I believe I left the door open. I believe  
21 I did.

22 Q. Wait, wait, wait. I'm sorry, but I want to get  
23 this very clear.

24 You believe you left the door open meaning

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1 A. It's my understanding I did, or my  
2 recollection, and that was that if two parties can't  
3 get along and they're both employable in the company,  
4 some language like this, that we have to have  
5 separation. I believe I explained that to her.

6 Q. Okay.

7 A. I tried to.

8 Q. Do you see where it says here: "I stated that  
9 if she does not want the job in shipping, we would  
10 take that as a voluntary resignation"?

11 A. Yes.

12 Q. Is it fair to say that based on this statement,  
13 that you actually stated to her that she could either  
14 transfer to shipping or voluntarily resign?

15 A. Yes. At that particular point in time that is  
16 correct.

17 Q. Did she ask you in that meeting why she should  
18 have to transfer if she did nothing wrong?

19 A. I think so. I think -- I can't remember  
20 exactly, but I think so.

21 Q. How did you respond?

22 A. I don't remember.

23 Q. Okay.

24 A. If you would like to ask me why that didn't

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1 you said that or you didn't say that?

2 A. People in the company -- I think I made it  
3 clear that people in the company have a right to  
4 request transfers, so that was it.

5 Q. Did she request a transfer?

6 A. No.

7 Q. Are you aware that that conversation was taped?

8 A. I guess so. Whatever I said is what I said,  
9 so -- I've never heard the tape.

10 Q. Okay.

11 A. No one has -- no one -- I guess -- I guess  
12 Miss Snyder didn't want me to hear the tape, but  
13 whatever it says, it says, but -- and as I understand  
14 it, part of my conversation was taped, not all of it.  
15 So that's another issue, but -- so...

16 Q. Did she ask you to put the transfer in writing  
17 and that she'd consider it after you put it in  
18 writing?

19 A. I don't -- I don't remember that.

20 Q. Well, did you put the transfer information in  
21 writing?

22 A. No.

23 Q. Did you give her a reason why she was being  
24 transferred?

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1 happen, I can certainly answer that question, but I  
2 really don't remember.

3 Q. Why not put the details of the transfer in  
4 writing?

5 A. We never do. It's our practice not to do that.  
6 I mean, there will be paperwork. You know, when  
7 people transfer from one job to another, there is a  
8 paper trail. We have to make out a form in the human  
9 resource department. It's got to be signed by various  
10 people, including me. So there would be a paper trail  
11 on that.

12 Q. Is it fair to say that those are people that  
13 have actually requested transfers?

14 A. No. This is a matter of course as far as I  
15 recall.

16 Q. Did you ask her to leave the premises that day?

17 A. I did. I think so. It got -- the -- the  
18 emotional pitch in the meeting was pretty high and,  
19 yes, I think I said, gee, you know -- yes.

20 Q. Do you recall getting up and walking to the  
21 door?

22 A. I don't remember what happened. I can tell you  
23 this: We did not do any checkout procedure or  
24 anything like that, and I've been in meetings with

16 (Pages 58 to 61)

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1 employees where there's been an emotional pitch and  
2 five hours later we've gotten together again or they  
3 called me on the telephone the next day and a  
4 different conclusion occurred. So, I mean -- so we  
5 didn't take -- it was not -- we were hoping for better  
6 closure on this situation.

7 Q. Okay.

8 MS. BREWINGTON: I don't have anything  
9 further at this time.

10 MS. DiBIANCA: I have a couple of  
11 questions. Could we take a short break? Do you mind?

12 MS. BREWINGTON: Not a problem.

13 MS. DiBIANCA: Five minutes would be good.

14 MS. BREWINGTON: Okay.

15 (A recess was taken at this time.)

16 BY MS. DiBIANCA:

17 Q. Hi, Mr. Downie. This Molly DiBianca for  
18 CitiSteel and I'm going to be asking you a few  
19 follow-up questions.

20 First, could you tell me about the nature  
21 of the relationship between Mr. Harris and Mr. Ford?

22 A. Mr. Ford and Mr. Harris were peers. They both  
23 were what we call general supervisors of the melt shop  
24 and they had -- not shared responsibilities, although

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1 the company together and I just never knew of any  
2 behavior on his part that would suggest any kind of  
3 sexual harassment or this kind of situation.

4 So, you know, as it relates to this  
5 particular situation, it would be -- I just was, you  
6 know -- I just was surprised that this allegation  
7 would come about.

8 Q. Was it your opinion that Mr. Harris was honest?

9 A. Yes. My boss, the president of the company,  
10 asked me to meet with Mr. Harris privately, which I  
11 did off site, and I was very direct with him about his  
12 job, his position, and a lot of other things.

13 And Mr. Harris told me that he did not  
14 sexually harass Ms. Snyder and he had a lot to lose  
15 because of -- this was early on in the investigation  
16 because I told him if we found out otherwise, it would  
17 be very serious for him.

18 Q. Found out otherwise in the sense that if he  
19 told you --

20 (Discussion off the record.)

21 BY MS. DiBIANCA:

22 Q. It was grave consequences or something like  
23 that?

24 A. My response is this, to be more clear:

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1 they shared responsibilities. They really had an  
2 expertise, Mr. Ford in the casting area and Mr. Harris  
3 in the furnace area, but they also overlapped.

4 Q. As between personalities between the two of  
5 them, was there any personal conflict that you are  
6 aware?

7 A. Yes. They both expressed to me personally as a  
8 witness to it that at times they found it difficult to  
9 work with each other, and I would say that Dennis  
10 perhaps was a little bit more vocal.

11 Q. So would it be your testimony that Mr. Ford  
12 harbored ill will towards Mr. Harris?

13 A. I would say so.

14 Q. Were you aware that Mr. Ford indicated to  
15 Miss Snyder that he did not believe her allegations?

16 A. He told me that.

17 Q. What was your opinion at the time of Mr. Harris  
18 as far as his character goes?

19 A. Well, as a personal director, I have to be  
20 careful about my opinions. They have to be based on  
21 facts.

22 And Mr. Harris has good points and bad  
23 points, but, I mean, I thought he had good character.  
24 I knew him since 1988, so that's -- we helped found

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1 Mr. Harris was told by me as conveyed from my boss  
2 that if he did lie, there would be grave consequences  
3 to Mr. Harris.

4 Q. Okay.

5 A. If he lied about this issue in any way.

6 Q. There seems to be some dispute about when  
7 and/or if Miss Snyder requested that her father be  
8 present at one of the meetings, that if she had  
9 requested her father to be present during a meeting  
10 with you and her, Miss Snyder, why would you have  
11 objected to that?

12 A. The main reason is our company is private. We  
13 just don't do that as practice.

14 The second is security. And in regard to  
15 security, we don't -- we don't grant tours to  
16 families. Some companies do it. It's too dangerous.  
17 It's our practice that people not related to the  
18 company business are not on our premises, period.

19 Q. The clerk-typist position in shipping, is it  
20 your testimony that that position was equivalent in  
21 all material respects to the clerk-typist position in  
22 the melt shop?

23 A. Yes, in the basic duties, yes.

24 Q. Would it have been the same salary?

17 (Pages 62 to 65)

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1 **A. Yes.**  
 2 Q. Would it have been the same shift, day shift?  
 3 **A. Day shift. To be honest, I don't know if it**  
**would be a little later in the day. I think there may**  
**be -- I can't remember. But, yes, essentially the**  
**same, day shift, yes.**  
 7 Q. It would consist of the same job duties?  
 8 **A. Basic. Different departments. They have**  
**different things to do, but basically yes.**  
 10 Q. When the complaint was first brought to you and  
 11 you first met with Miss Snyder, did you communicate to  
 12 her that you were taking her complaint seriously?  
 13 **A. I did, and that's my job and that's a policy of**  
**the company. And I told her point-blank that I would**  
**investigate this matter.**  
 16 Q. And --  
 17 **A. And I also told her that I was sorry that she**  
**was upset.**  
 19 Q. You met with Mr. Harris that same day, was it  
 20 your testimony, that Miss Snyder brought forth her  
 21 allegations?  
 22 **A. I believe so, yes.**  
 23 Q. Okay.  
 24 **A. I'm very fuzzy on the dates.**

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1 **resolution, and I think we owe that to all the parties**  
**involved.**  
 3 Q. When you first met with Mr. Harris, whether it  
 4 was the first day or second day, when you first met  
 5 with him, did you meet with him in private?  
 6 **A. I don't remember.**  
 7 Q. Was Miss Snyder present at that meeting?  
 8 **A. No.**  
 9 Q. Why is that?  
 10 **A. I refuse to meet with two people in a meeting**  
**like that. Never do that. The reason is I want to**  
**get -- many reasons, but one of which is to hear**  
**people, you know -- how should I put this? To give**  
**people an opportunity to tell confidentially what they**  
**know, how they feel; and secondly, to avoid flare-ups**  
**and -- among those reasons. So that's my answer.**  
 17 Q. Then also was it important to you that the  
 18 matter be kept confidential during the investigation?  
 19 **A. Yes, and we told everybody that. And it's for**  
**everybody's protection.**  
 21 **And not only that, but, of course, these**  
 22 **things detract from the workplace. We -- you know,**  
 23 **people need to -- we're all very busy, so -- yes, it**  
 24 **was.**

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1 Q. Okay.  
 2 **A. It's been a few years, but I think the best, as**  
**I mentioned to the other attorney, I think the best**  
**way for me to say firmly is if the day of the 10th was**  
**the 10th -- let me back up to the other day.**  
 6 **Somewhere in that two- or three-day period**  
 7 **is when they were taking -- occurring. I just don't**  
 8 **remember.**  
 9 Q. Is there a reason for conducting the  
 10 investigation within several days? I shouldn't say  
 11 investigating or conducting it. Rather, I should say:  
 12 Is there a reason for concluding it within several  
 13 days and not leaving it longer?  
 14 **A. Yes, yes.**  
 15 Q. What is that reason?  
 16 **A. It was our belief that these things are very**  
 17 **serious and get out of hand and it's emotional, it's**  
 18 **personal, and there -- and we should make all haste to**  
 19 **get it resolved as quickly as possible. And I just**  
 20 **had to drop what I was doing. All of us who were**  
 21 **involved with this were involved in other things and**  
 22 **we had to drop them and cancel meetings and do what we**  
 23 **did.**  
 24 **And so it's important to have quick**

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1 Q. When was the actual decision made regarding the  
 2 transfer opportunity?  
 3 **A. The morning we did it. You know, I was given**  
 4 **authorization by the president with what the options**  
 5 **were and I wanted -- and I wanted to see if there's**  
 6 **any other evidence, any other information. I reviewed**  
 7 **this with counsel at the time and got their input.**  
 8 **And that's something I've not mentioned,**  
 9 **but those are attorney/client privileged, but I did**  
 10 **seek other advice. And I waited the last possible**  
 11 **time.**  
 12 Q. So in other words, that would have been after  
 13 she had been given the opportunity to bring her  
 14 evidence, the tapes in?  
 15 **A. That is correct. As I so stated earlier, that**  
 16 **was that morning or whenever -- whenever after I last**  
 17 **met with Miss Snyder.**  
 18 Q. You did provide some testimony on the meeting  
 19 with Miss Snyder where Mr. Ryan was also present and  
 20 during which Miss Snyder secretly -- or I don't want  
 21 to characterize it, but taped the meeting, tape  
 22 recorded the meeting against your wishes. Is that a  
 23 fair characterization?  
 24 **A. It is. And quite frankly, I didn't know about**

18 (Pages 66 to 69)

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1 **this until way after the fact. It's okay. It was**  
 2 **against my wishes, yes.**  
 3 Q. Can you describe for us her attitude, her  
 4 demeanor during that meeting?  
 5 **A. I'm hesitating because I don't want to**  
 6 **overcharacterize it and sound defensive.**  
 7 **She was very emotional, very provoking, and**  
 8 **very combative. And I made an effort to, you know, to**  
 9 **say, you know, let's -- I don't know if I said calm**  
 10 **down. I said okay, okay. And I was trying to -- I**  
 11 **don't think I raised my voice in the meeting. And as**  
 12 **I said, both of the doors were opened in my office.**  
 13 Q. Was Miss Snyder hostile? Would that be a fair  
 14 description?  
 15 **A. I -- that may be even not reached to the level**  
 16 **of what happened, but yes.**  
 17 Q. Then was there some testimony, if you could  
 18 elaborate for us, regarding subsequent to one of the  
 19 meetings, and I'm not sure which one, but she was  
 20 instructed to go home for the rest of the day to  
 21 consider the transferring; is that correct?  
 22 **A. Yes.**  
 23 Q. Did she follow those instructions?  
 24 **A. No.**

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1 Randolph Harris had some good points and some bad  
 2 points; is that right?  
 3 **A. Yes, like we all do.**  
 4 Q. What were some of Randolph Harris' bad points?  
 5 **A. I think it's fair to say that at times Randolph**  
 6 **Harris was aggressive or loud on the manufacturing**  
 7 **floor, and this is not uncommon in factories where**  
 8 **people can die. Two people during the time that I was**  
 9 **there, my tenure with the corporation, two men died in**  
 10 **the melt shop. One was our employee and one was a**  
 11 **contractor. And it's very, very dangerous out there.**  
 12 Q. So would you consider him being loud in the  
 13 manufacturing floor a bad point?  
 14 **A. Well, maybe for some people -- it's good and**  
 15 **bad. For some people maybe they might not like a**  
 16 **loud -- someone speaking more loudly to them even**  
 17 **though there's a lot of noise around them, or it's a**  
 18 **good point that people realize that in the space of**  
 19 **seconds, if you don't follow direction quickly, you**  
 20 **can be harmed.**  
 21 Q. So are we talking about Randolph giving  
 22 instructions and being loud to his employees? Is that  
 23 what you're talking about?  
 24 **A. Yes.**

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1 Q. What did she do?  
 2 **A. Well, I don't know how we found out. Someone**  
 3 **called us on the phone or something or whatever, but**  
 4 **she was still in the building and -- but, anyway, we**  
 5 **had hoped to keep this matter confidential and calm.**  
 6 **The building is a small building. It's an old**  
 7 **building. It has high ceilings. You know, voices**  
 8 **carry. I don't remember. I think it was maybe Jim**  
 9 **Ryan who asked her to please go home.**  
 10 **But at no time were we aggressive or rude**  
 11 **with Ms. Snyder. I can say that.**  
 12 Q. By not leaving when instructed to go home for  
 13 the day --  
 14 **A. She was insubordinate.**  
 15 Q. Okay.  
 16 **A. Clear and simple.**  
 17 Q. Disruptive to the workplace?  
 18 **A. Yes.**  
 19 MS. DiBIANCA: That's all I have, Lori.  
 20 MS. BREWINGTON: Okay. One second. Just  
 21 give me one second.  
 22 MS. DiBIANCA: Sure.  
 23 BY MS. BREWINGTON:  
 24 Q. You mentioned just a few seconds ago that

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1 Q. So you're saying some employees may not like  
 2 being talked to in a loud voice?  
 3 **A. Yes.**  
 4 Q. How about this being aggressive? Was he  
 5 aggressive with his employees?  
 6 **A. In terms of telling people to move out of the**  
 7 **way, do this quickly, do that quickly, I would call**  
 8 **that being aggressive.**  
 9 Q. You say you would call that being aggressive?  
 10 **A. Yes.**  
 11 Q. You also mentioned that you met him again off  
 12 site.  
 13 **A. Yes.**  
 14 Q. When was that?  
 15 **A. I don't recall.**  
 16 Q. Where did you meet him?  
 17 **A. At Bennington's restaurant. My choice.**  
 18 Q. Your choice restaurant or your choice to meet  
 19 him off site?  
 20 **A. Both.**  
 21 Q. Why did you choose to meet him off site as  
 22 opposed to meeting him at CitiSteel?  
 23 **A. Because we are very, very, very busy and I**  
 24 **wanted to be in a quiet atmosphere and I wanted to --**

19 (Pages 70 to 73)

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1 **which is not unlike other business situations where**  
 2 **you would ask an employee out to lunch or dinner or**  
 3 **whatever to talk about a serious matter. That's why.**  
 4 Q. Did you have dinner?  
 5 **A. No.**  
 6 Q. Did you have drinks?  
 7 **A. I did not.**  
 8 Q. Did Randolph Harris drink?  
 9 **A. I believe he had a beer.**  
 10 Q. So you discussed the serious allegations of  
   sexual harassment over a beer?  
 11       MS. DiBIANCA: I'm going to object to the  
 12 extent that that's a little argumentative, but go  
 13 ahead and answer.  
 14 **A. Yes.**  
 15 Q. Why wasn't this meeting with Randolph Harris  
 16 notated in any of the records?  
 17 **A. I don't know.**  
 18 Q. Did you tell anyone about your meeting with  
 19 Randolph Harris?  
 20 **A. Yes.**  
 21 Q. Who did you tell?  
 22 **A. My supervisor.**  
 23 Q. Warren Bieger?

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1 **I worked in private industry in human resources since**  
 2 **1973 and I've been in management since 1975.**  
 3 Q. So your professional career has been devoted to  
 4 the practice of human resources management; is that  
 5 correct?  
 6 **A. That is correct.**  
 7       MS. DiBIANCA: Lori, that's all I have.  
 8       MS. BREWINGTON: I have nothing further.  
 9 We're done.  
 10      THE WITNESS: Thank you, all.  
 11      MS. BREWINGTON: Mr. Downie, would you like  
 12 to read and sign?  
 13       MS. DiBIANCA: We'll read. Sorry, Lori.  
 14       MS. BREWINGTON: Okay. Thank you, guys.  
 15 (The deposition was then concluded at  
 16 3:05 p.m.)

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1 **A. Yes.**  
 2 Q. In your final meeting with Miss Snyder on the  
 3 10th, wasn't there a tape recorder on the table?  
 4 **A. No.**  
 5 Q. So you never saw a tape recorder?  
 6 **A. She -- the answer is I saw it by accident when**  
 7 **she was holding it flipping something in a certain**  
 8 **direction and I asked her directly, "Do you have a**  
 9 **tape recorder?" And she finally admitted it.**  
 10 Q. But you did see a tape recorder?  
 11 **A. Yes, I did.**  
 12       MS. BREWINGTON: I don't have anything  
 13 further.  
 14       MS. DiBIANCA: I just have one more.  
 15 BY MS. DiBIANCA:  
 16 Q. Mr. Downie, could you tell me in short form  
 17 what is your professional experience in the human  
 18 resources field?  
 19 **A. I have a degree from Shippensburg University,**  
 20 **St. Francis University, industrial relations.**  
 21 Q. Is that a master's degree?  
 22 **A. Yes.**  
 23 Q. Okay.  
 24 **A. And a master's degree from the Wharton School.**

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1 INDEX TO EXHIBITS

2 DOWNIE EXHIBIT NO.:	PAGE
3 1 A two-page copy of a handwritten statement dated Tuesday, April 8, 2003, signed by Terry L. Snyder	13
4 2 A three-page copy of a document entitled "Events surrounding Terri Snyder harassment charges described by Greg Buragino 4/10/03"	14
5 3 A two-page copy of a memo dated April 9, 2003, to "Memo to file of Terri Snyder" from J. Downie	29
6 4 A multipage copy of a Sexual Harassment Investigation Checklist	52
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1   State of Delaware )  
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6       CERTIFICATE OF REPORTER  
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8       I, Kathleen White Palmer, Registered  
9       Professional Reporter and Notary Public, do hereby  
10      certify that there came before me on the 21st day of  
11      July, 2006, the deponent herein, JEROME DOWNIE, who  
12      was duly sworn by me and thereafter examined by  
13      counsel for the respective parties; that the questions  
14      asked of said deponent and the answers given were  
15      taken down by me in Stenotype notes and thereafter  
16      transcribed into typewriting under my direction.  
17      I further certify that the foregoing is  
18      a true and correct transcript of the testimony given  
19      at said examination of said witness.  
20      I further certify that I am not counsel,  
21      attorney, or relative of either party, or otherwise  
22      interested in the event of this suit.  
23  
24

21       Kathleen White Palmer, RPR, RMR, CLR  
22       Certification No. 149-RPR  
23       (Expires January 31, 2008)

DATED: July 28, 2006

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**In the Matter Of:**

**Snyder**

**v.**

**CitiSteel, USA, Inc.**

**C.A. # 04-970-JJF**

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**Transcript of:**

**Gregory Buragino**

**June 16, 2006**

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Snyder  
Gregory Buragino

v.  
C.A. # 04-970-JJF

CitiSteel, USA, Inc.  
June 16, 2006

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TERRY L. SNYDER, )  
 )  
 Plaintiff; )  
 ) Civil Action  
 ) No. 04-970-JJF  
 v. )  
 )  
 CITISTEEL USA, INC., )  
 )  
 Defendant. )

Telephonic deposition of GREGORY BURAGINO taken pursuant to notice at the Law Offices of Margolis Edelstein, 1509 Gilpin Avenue, Wilmington, Delaware, beginning at 12:30 p.m. on Friday, June 16, 2006, before Ann M. Calligan, Registered Merit Reporter and Notary Public.

## APPEARANCES:

LORI A. BREWINGTON, Esquire  
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on behalf of the Plaintiff;  
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Snyder  
Gregory Buraginov.  
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June 16, 2006

1 GREGORY BURAGINO,  
 2 the witness herein, having first been  
 3 duly sworn on oath, was examined and  
 4 testified as follows:  
 5 EXAMINATION  
 6 BY MS. BREWINGTON:  
 7 Q. Good afternoon, Mr. Buragino. My name is Lori  
 8 Brewington, and I have the privilege of taking your  
 9 deposition today. And we are actually taking your  
 10 deposition by phone in connection with Terri Snyder's  
 11 action against CitiSteel.  
 12 Have you ever testified in a deposition  
 13 before?  
 14 A. No.  
 15 Q. What happens, I'm going to ask you a series of  
 16 questions. I'll make every effort to ask them one at  
 17 a time. If, for some reason, you don't understand the  
 18 question, just let me know and I'll go ahead and  
 19 repeat it for you.  
 20 At times, Ms. DiBianca will object, and  
 21 that's entirely proper. All I ask is that you answer  
 22 the question anyway unless she specifically advises  
 23 you not to answer the question. Do you understand?  
 24 A. Yes.

Page 2

1 A. I owned my own business.  
 2 Q. And what was the name of the business?  
 3 A. FastFrame.  
 4 Q. I'm sorry?  
 5 A. FastFrame.  
 6 Q. And how long did you own your own business?  
 7 A. I opened the business in 2004.  
 8 Q. What type of business is that?  
 9 A. It is a picture framing franchise.  
 10 Q. And what did you do prior to working at  
 11 FastFrame?  
 12 A. I worked at CitiSteel.  
 13 Q. What years were you working at CitiSteel?  
 14 A. I worked at CitiSteel 1990 to 2003.  
 15 Q. And what was the position when you were hired?  
 16 A. I was hired as manager, quality in metallurgy.  
 17 Q. How long were you in that position?  
 18 A. About four years, until 1994.  
 19 Q. And then after that?  
 20 A. I became manager of the melt shop.  
 21 Q. And is that where you worked through 2003?  
 22 A. No.  
 23 Q. Okay.  
 24 A. I held several positions.

Page 4

1 Q. We have a court reporter here, and she will be  
 2 taking down your responses to my questions. All I ask  
 3 is that you make sure that your answers are audible,  
 4 meaning that they are yes or no, and not the mm-hmm or  
 5 uh-huhs, because it's difficult to kind of translate  
 6 those into the record. Okay?  
 7 A. Okay.  
 8 Q. Would you please state your name for the  
 9 record?  
 10 A. My full name is Gregory Buragino.  
 11 Q. And what did you do in preparation for your  
 12 testimony today?  
 13 A. I received information from the lawyer, Molly.  
 14 Q. Did you do anything else?  
 15 A. No.  
 16 Q. Did you review any documents?  
 17 A. The documents that were sent to me, yes.  
 18 Q. Where are you currently working?  
 19 A. I work at Air Products and Chemicals in  
 20 Allentown, Pennsylvania.  
 21 Q. How long have you worked there?  
 22 A. Not quite two months.  
 23 Q. And where did you work prior to Air Products in  
 24 Allentown, Pennsylvania?

Page 3

1 Q. Tell me about that.  
 2 A. Okay. In 1994, I became melt shop manager.  
 3 Q. Okay.  
 4 A. Around 19 -- and I don't remember the dates  
 5 specifically, so...  
 6 Q. That's okay. You can give me approximates.  
 7 A. Okay. Around 1997, I went back to -- either  
 8 '97 or '98. I forget which dates. I went back to  
 9 being manager of QA in metallurgy. Our manager of QA  
 10 in metallurgy had left the company, and I went back to  
 11 that position.  
 12 Q. Okay.  
 13 A. In 2000 I was promoted to vice-president,  
 14 manufacturing services, and then later that same year,  
 15 I was promoted to vice-president, manufacturing. And  
 16 that's the last position I held.  
 17 Q. So in later 2000, you were placed in the  
 18 position of vice-president of manufacturing, and  
 19 that's the position you held throughout 2003?  
 20 A. Until I left in 2003.  
 21 Q. Okay.  
 22 A. August of 2003.  
 23 Q. That was my next question. When did you leave,  
 24 August of 2003?

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2 (Pages 2 to 5)

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1   **A. Physically I left in August of 2003. The**  
 2   **company retained me as a consultant for six months.**  
 3   Q. What did you consult them on?  
 4   **A. I'm sorry. I didn't hear.**  
 5   Q. What did you do in terms of your consulting?  
 6   **A. I made myself available for any questions, you**  
 7   **know, regarding what I was doing prior so that the**  
 8   **company could, you know, utilize anything that I did.**  
 9   Q. Oh, okay. And why did you leave CitiSteel?  
 10   **A. I left for personal reasons, to pursue other**  
 11   **opportunities.**  
 12   Q. Generally what were some of your job  
 13   responsibilities as vice-president of manufacturing?  
 14   **A. Melt shop personnel, Randolph Harris, Dennis**  
 15   **Ford, reported to me. Plate mill personnel reported**  
 16   **to me. Shipping personnel reported to me. And in**  
 17   **fact, the quality personnel at the time did, I recall.**  
 18   **So I had various departments reporting to me, that I**  
 19   **had responsibility for.**  
 20   Q. So is it fair to say that the supervisors and  
 21   managers reported to you or just the managers or how  
 22   would you characterize the title of those that  
 23   reported to you?  
 24   **A. General supervisor was our title for positions**

Page 8

1   **A. I can't recall when we changed some of the**  
 2   **duties, but at one point we did where Randolph was to**  
 3   **take over the caster. And I don't remember that real**  
 4   **well right now.**  
 5   Q. But I guess my question is, when Dennis Ford  
 6   was responsible for the caster and slab yard, is it  
 7   fair to say that Randolph Harris wasn't?  
 8   **A. Yes. That's correct.**  
 9   Q. And how would you characterize your  
 10   relationship with Randolph Harris in April of 2003?  
 11   **A. I had a good relationship with Randolph**  
 12   **throughout my tenure there.**  
 13   **Randolph and I started about the same time**  
 14   **with the company.**  
 15   Q. Did you have a personal relationship with  
 16   Randolph?  
 17   **A. Not outside of work, no. But I mean, I would**  
 18   **say we were personable.**  
 19   Q. Personable while in work?  
 20   **A. Personable, meaning that we had a good**  
 21   **relationship.**  
 22   Q. While at work, right?  
 23   **A. Yes. We did not, you know, really -- I can't**  
 24   **recall him and I out together outside of work other**

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1   **held by Randolph Harris or Dennis Ford, or plate mill**  
 2   **supervisor, general supervisors, and the shipping**  
 3   **general supervisors.**  
 4   Q. And Randolph Harris was a general supervisor as  
 5   was Dennis Ford, correct?  
 6   **A. That's correct.**  
 7   Q. And what were some of Randolph Harris's job  
 8   responsibilities?  
 9   **A. Randolph's responsibility was to run the**  
 10   **melting aspect of the shop. And it changed over time.**  
 11   **I mean, in those couple of years, we changed**  
 12   **responsibilities somewhat. But for the most part, he**  
 13   **ran the melting, so the furnace -- what we call our**  
 14   **furnace, and handled that.**  
 15   Q. Did he manage the employees in that area?  
 16   **A. Yes.**  
 17   Q. How about Dennis Ford, what were some of his  
 18   primary job responsibilities?  
 19   **A. Melt shop has a furnace and a caster and a slab**  
 20   **yard associated with it, among other things. So**  
 21   **Dennis ran the caster and also had some other duties,**  
 22   **such as the slab yard.**  
 23   Q. Did Randolph Harris have any management of the  
 24   caster and slab yard?

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1   **than the suppliers or, you know, a dinner here or**  
 2   **there.**  
 3   Q. And how would you characterize your present  
 4   relationship with Mr. Harris?  
 5   **A. We keep in touch.**  
 6   Q. What does that mean, keep in touch?  
 7   **A. I call him on occasion to see how he is doing,**  
 8   **and he calls me on occasion to see how I am doing.**  
 9   Q. Have you seen him since you've left CitiSteel?  
 10   MS. DiBIANCA: I don't know that he was  
 11   finished.  
 12   MS. BREWINGTON: I'm sorry.  
 13   MS. DiBIANCA: Greg, were you finished?  
 14   **A. Yeah. I mean, that's essentially it. I mean,**  
 15   **we stayed in touch. And I mean, I had done**  
 16   **consulting, other consulting work for CitiSteel**  
 17   **involving Randolph as well. So professionally we**  
 18   **worked together within the last year and a half. But**  
 19   **in addition to that, we've stayed in touch.**  
 20   Q. How about Dennis Ford, did you have a  
 21   relationship with Dennis?  
 22   **A. Yes. You know, we were also friendly but,**  
 23   **again, not outside of work. You know, I treated both**  
 24   **gentlemen the same.**

3 (Pages 6 to 9)

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Page 10

1 Q. And since you've left CitiSteel, have you  
2 maintained contact with Dennis Ford?  
3 **A. Initially, I did. And the same was true for**  
4 **him. I heard from him on occasion, and I spoke to him**  
5 **on occasion. But since he has left CitiSteel, I have**  
6 **not heard from him.**  
7 Q. Do you recall when Dennis left CitiSteel?  
8 **A. I don't because I wasn't there. I mean, he was**  
9 **still there when I was there. And I remember people**  
10 **telling me he left, but I don't remember when that**  
11 **was, whether that was last year or the year before, or**  
12 **I don't -- I don't recall to be honest with you. I**  
13 **haven't heard from him since.**  
14 Q. So he left sometime after August of 2003 then?  
15 **A. Yes.**  
16 Q. Were annual performance evaluations in the  
17 melting shop completed for all salaried employees?  
18 **A. We were pretty good about doing annual**  
19 **appraisals. I was pretty good at that, I believe.**  
20 **Maybe not perfect, but I always did appraisals for my**  
21 **direct reports, which included Randolph and Dennis.**  
22 **So I did appraisals on those men, if that's what**  
23 **you're asking.**  
24 Q. That's part of what I'm asking. Were salaried

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1 **non-exempt.**  
2 Q. Do you know whether performance reviews were  
3 completed for Terri Snyder on an annual basis?  
4 **A. I don't think so. I don't remember seeing any.**  
5 Q. And why is that?  
6 **A. I'm sorry?**  
7 Q. Why is that?  
8 **A. I don't know that we did any, again, for**  
9 **non-exempt personnel. So if we didn't do any, I don't**  
10 **think I would have seen any.**  
11 Q. While working at CitiSteel, did you have any  
12 personal, firsthand knowledge of Terri Snyder's work  
13 performance?  
14 **A. Other than observation, personal observation.**  
15 **Mostly I would get feedback from others. We didn't**  
16 **work directly in the same area.**  
17 Q. So is it fair to say there was some personal  
18 observation?  
19 **A. Yes.**  
20 Q. Okay.  
21 **A. Sure. You know, I would be in each area some**  
22 **portion of the day. You know, people that were -- I**  
23 **was responsible for, I would see them once a day**  
24 **generally. Sometime more, sometime less, but...**

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1 employees supposed to get annual performance  
2 evaluations?  
3 **A. Not all salaried employees. As I recall,**  
4 **salaried non-exempt did not get. The supervisor**  
5 **generally did.**  
6 Q. So to give you an example, with Randolph  
7 Harris, he's salaried, non-exempt, is that correct?  
8 Exempt. I'm sorry.  
9 **A. I'm sorry?**  
10 Q. Is Randolph Harris exempt?  
11 **A. Yes. Randolph's -- that position, general**  
12 **supervisor, was a salaried exempt position.**  
13 Q. And Terri Snyder, is she non-exempt?  
14 **A. I believe that's a non-exempt position, but you**  
15 **know, I don't recall exactly. But I'm pretty sure**  
16 **that's a non-exempt position, if not an hourly**  
17 **position. I'm not even sure if it was salaried, but I**  
18 **think it was.**  
19 Q. Is it your understanding that non-exempt  
20 employees do not receive performance evaluations?  
21 **A. It was not a general requirement if I'm**  
22 **correct, but I don't recall completely whether that's**  
23 **a true statement or not. I mean, I don't believe we**  
24 **did appraisals on everybody who was salaried**

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1 Q. So you didn't have a direct reporting  
2 relationship with Terri Snyder?  
3 **A. No.**  
4 Q. And you mentioned that others would provide  
5 feedback to you, is that correct?  
6 **A. Yes.**  
7 Q. And who were you speaking of?  
8 **A. The general supervisors really had the**  
9 **shared -- the clerical -- let me rephrase that.**  
10 **The duties of clerical administrator,**  
11 **whatever you want to call that position, that position**  
12 **shared -- was shared between the general supervisors,**  
13 **meaning that Dennis had work for Terri, Randolph had**  
14 **work for Terri, the shop as a whole had work. I**  
15 **believe Jeff Blauvelt. I don't remember. I mean**  
16 **there was another supervisor.**  
17 Q. Were you finished? I'm sorry.  
18 **A. Yes.**  
19 Q. So did you receive feedback from Dennis Ford  
20 and Randolph Harris about her job performance?  
21 **A. Yes.**  
22 Q. And did you receive feedback from anyone else  
23 about her job performance?  
24 **A. You know, I don't recall real well. I mean,**

4 (Pages 10 to 13)

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1 those were the two guys who would bring to my  
2 attention issues. I may have gotten other feedback  
3 from others. I don't personally recall that. Okay?  
4 I mean, it wouldn't have been a lot of other people to  
5 report back. I mean, some of it went through  
6 accounting. And I think there may have been something  
7 there, but I don't -- I can't recall.

8 Q. I want to direct your attention to the first  
9 exhibit, if I could have that marked as Buragino 1.  
10 (Buragino Deposition Exhibit 1 was marked  
11 for identification.)

12 MS. DiBIANCA: Just for clearing purposes,  
13 can you ID the page number when you say 1?

14 MS. BREWINGTON: Yes.

15 BY MS. BREWINGTON:

16 Q. Mr. Buragino, I'm looking at what's been  
17 previously Bates stamped as P-0274 and P-0275.

18 A. I just got this, so -- okay. I see what you're  
19 looking at P-274. It's an e-mail.

20 Q. Yes.

21 A. Okay.

22 Q. I want to give you an opportunity to review the  
23 document before I ask you about it. So you can go  
24 ahead and do that. Let me know when you are finished.

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1 you were doing everything you were supposed to do, and  
2 I told him that you're doing everything that you can  
3 do under the circumstances, and the example I gave him  
4 was that it was difficult for you to complete the  
5 alloy/flux usage verification before 7:30 a.m. because  
6 of other responsibilities you have like isos and other  
7 morning reports. I also said that you don't get the  
8 Melter's report till after 7:30 a.m. I told him that  
9 I felt you were given too much responsibilities that  
10 makes it hard for you to try to meet certain  
11 deadlines. Also, you can't do your job if other  
12 people don't provide you with the necessary  
13 information you need for, i.e., physical inventory  
14 numbers."

15 Q. Okay. Do you recall a conversation similar to  
16 this with Carmella Patrone?

17 A. I don't recall that specifically. If I try and  
18 remember that now, I think it goes to -- accounting is  
19 a question about getting certain numbers, but I can't  
20 recall specifically, no.

21 Q. Are you saying that accounting asked you for  
22 numbers?

23 A. Accounting, consisting of the accounting group,  
24 had certain numbers that the clerk needed to provide.

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1 A. Well, I did look at it briefly before you  
2 called.

3 Q. Okay.

4 A. So, you know, I see it, and...

5 Q. Can I ask you about it now?

6 A. Sure.

7 Q. Tell me what you're looking at first.

8 A. It appears to be an e-mail from Carmella  
9 Patrone to Terri Snyder.

10 Q. What's the date of the e-mail?

11 A. March 12th, 2003.

12 Q. And the subject?

13 A. It says, "miscellaneous," "misc."

14 Q. If I could have you read that first full  
15 paragraph there beginning with the word "anyway" out  
16 loud for me.

17 A. "Anyway, I didn't read your e-mail carefully  
18 the first time. I thought you said 'they,' in  
19 quotes, "said I came up to them and complained about  
20 your job performance. I didn't read carefully that it  
21 was Greg who went around asking everyone about you.  
22 That part is true. He did ask me that about a week  
23 ago. But I know I didn't say anything that indicated  
24 you weren't doing your job. Greg wanted to know if

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1 Q. Is it true that this conversation may have  
2 taken place?

3 A. I'm sure it did. I just don't remember.

4 Q. Could you tell me who Carmella Patrone is?

5 A. She worked for Allan Eiger, who was  
6 controller -- he wasn't controller. I'm sorry. He  
7 was the -- at the time he was the -- he was her boss.

8 Q. Okay. That's fine.

9 A. I can't remember his title. I'm sorry.

10 Q. Do you remember what her job title was or what  
11 she did?

12 A. Not 100 percent, but she was involved in or  
13 some of what she did for operations-related data was  
14 physical inventory, part of the cost accounting  
15 system. So she had to keep track of all that data.

16 Q. And was she responsible for training Terri  
17 Snyder?

18 A. I don't recall that. I mean, that may -- I'm  
19 sure that's true -- okay? -- in certain parts of the  
20 accounting portion of what Terri was to provide.

21 Q. In the e-mail that I had you read that first  
22 paragraph, it indicates that you, quote, went around  
23 asking everyone, end quote, about Ms. Snyder. Did you  
24 ask anyone else about Ms. Snyder?

5 (Pages 14 to 17)

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1 **A. I honestly don't remember. I don't think I**  
 2 **would have asked everyone about Ms. Snyder. I think I**  
 3 **asked people who either had work being done by her or**  
 4 **were expecting something from her as part of her job**  
 5 **performance.**

6 Q. Did Carmella tell you that she felt that  
 7 Ms. Snyder was given too much responsibility that  
 8 makes it hard to meet certain deadlines?

9 MS. DiBIANCA: I'm going to object very  
 10 quickly just because it's already been asked and  
 11 answered that he doesn't recall the conversation, but  
 12 please do answer the question.

13 **A. I'm sorry. What was the question?**

14 Q. My question is, did Carmella tell you that she  
 15 felt Ms. Snyder was given too much responsibility that  
 16 it makes it hard to meet certain deadlines?

17 **A. I honestly don't remember that.**

18 Q. Do you know whether or not Ms. Snyder had  
 19 difficulty meeting certain deadlines?

20 **A. I recall that she did have problems, and that**  
 21 **was one of the issues with her job performance.**

22 Q. Did you ever inquire to anyone as to why she  
 23 would have problems meeting these deadlines?

24 **A. I'm sure I did. That's probably why I was**

Page 20

1 Q. That's fine. Tell me what you know.  
 2 **A. I don't know anything. I could guess, is what**  
 3 **I told you.**

4 Q. Well, tell me what you're thinking.

5 **A. Well, I mean, either herself was not getting**  
 6 **information to her or -- meaning Carmella, or people**  
 7 **in the shop were not getting the information to her**  
 8 **which included melters from all shifts and, you know,**  
 9 **supervisors to your -- to clarify for you, supervisors**  
 10 **and probably general supervisors is my guess is what**  
 11 **Carmella meant. I don't know that. In our**  
 12 **conversation right at this moment, I can't recall who**  
 13 **she would have meant.**

14 Q. Let me ask you this. Is it a fair statement  
 15 that Ms. Snyder would not be able to do her job if  
 16 others don't provide her with the necessary  
 17 information?

18 **A. That's difficult to answer. I don't know that**  
 19 **that's a simple yes or no.**

20 Q. Okay. Well, can you explain?

21 **A. Sometimes people make an excuse that they don't**  
 22 **get information that they could get themselves, and I**  
 23 **think some of this involved that type of thing where,**  
 24 **you know, I can't do something because someone didn't**

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1 **talking to Carmella and others, but I don't recall**  
 2 **them specifically now. I mean, you know, that I**  
 3 **don't -- I couldn't tell you who else I'd talked to or**  
 4 **whatever, and what the answers were.**

5 Q. Carmella also stated in this e-mail that she  
 6 told you that Terri could not do her job if other  
 7 people don't provide her with the necessary  
 8 information she needs and then she indicates, i.e.,  
 9 physical inventory numbers. Do you see where it says  
 10 that?

11 **A. Yes.**

12 Q. Okay. My question is, do you have an  
 13 understanding of what she meant by this statement?

14 **A. I can suppose, you know, based on her e-mail**  
 15 **here --**

16 Q. Well, tell me --

17 **A. -- she sent, but I don't recall the**  
 18 **conversation, so I don't --**

19 Q. That's fine. If you can't recall the  
 20 conversation, I understand that. But I'm trying to  
 21 understand whether you have an understanding of what  
 22 she may have meant by that.

23 **A. What she may have meant, sure. I mean, I can**  
 24 **guess, but I don't know as a fact.**

Page 21

1 **get it to me. But the information may have been**  
 2 **available. I don't remember specifically, but I think**  
 3 **that that's not always a valid reason to not be able**  
 4 **to do your work. But, in general, sometimes that is**  
 5 **true -- okay -- that people don't get you something in**  
 6 **time. You have to change what other people do.**

7 Q. And I know you're speaking generally. I'd like  
 8 to kind of narrow the question down to Terri Snyder  
 9 specifically. And I guess my question is, could Terri  
 10 get her job done if others didn't provide her with the  
 11 necessary information?

12 **A. You want specifics, but you'd have to provide**  
 13 **me specifics when you say "her job." I mean, it**  
 14 **depends. She had several responsibilities, if I**  
 15 **recall.**

16 Q. Well, the example that the e-mail gives is  
 17 physical inventory numbers.

18 **A. All right. As an example, physical inventory?**

19 Q. Mm-hmm.

20 **A. Some of that was being done, if I remember, on**  
 21 **a daily basis. Now, where to get that information**  
 22 **from and what time needed to get into the system, I**  
 23 **don't remember all of the details. So I can't -- I**  
 24 **can't answer the question very well. It was just that**

6 (Pages 18 to 21)

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1 that's an example of one where -- could she do her  
2 job? I don't know. I mean, was she getting the  
3 proper information? I can't answer that.  
4 Q. Were you concerned as the vice-president  
5 whether she was able to do her job?  
6 A. Well, if people brought to my attention that  
7 she wasn't doing her job, then it was my concern.  
8 Q. So you said that it was probably true that  
9 Carmella did discuss this with you, correct?  
10 A. Yes. I don't deny that we did. I met with  
11 Carmella many times. So it wasn't -- it wouldn't have  
12 been the first time I met with her, no, or the only  
13 instance to meet with Carmella.  
14 Q. Did you do anything to insure that Terri have  
15 the necessary information she needed to do her job?  
16 A. It was my habit to try and make sure people had  
17 what they needed to do their job. Can I recall  
18 specifically what I did here? No, I can't. Okay?  
19 It's too long ago.  
20 Q. What are the physical inventory reports, do you  
21 recall that?  
22 A. The specific report, no. I do -- the physical  
23 inventory is somebody has to count something or weigh  
24 something.

Page 24

1 physical inventory numbers to Terri Snyder.  
2 A. My recollection is that data got input into the  
3 system, the computer system, and she was the melt shop  
4 administration clerk, so she would generally do it.  
5 Now, accounting did it as well, and there  
6 was times when accounting was doing it and operations  
7 was not doing it, if I remember right. Some of that  
8 may have been at the heart of whether she was doing it  
9 or wasn't doing it or getting it done timely. And  
10 there was a time period, and I don't recall if it was  
11 this time period, meaning March of 2003 -- that's just  
12 way too specific for me to remember. But there were  
13 issues about physical inventory relative to accounting  
14 getting their numbers on time.  
15 Q. And did you meet with anyone concerning Terri's  
16 performance?  
17 A. Both Randolph and Dennis brought to my  
18 attention performance issues. And I think I may have  
19 asked others who had occasion to utilize her services,  
20 but I don't specifically -- I know I met with Randolph  
21 and Dennis and probably others, but I don't -- I don't  
22 remember that specifically just like I don't remember  
23 this with Carmella.  
24 Q. Do you know approximately how many times you

Page 23

1 Q. Is that something that Terri does? Does she  
2 weigh the things and count the things?  
3 A. My recollection is, no, she didn't do that.  
4 Certainly not for everything. I think that she did  
5 have some things she was supposed to count, but I  
6 don't -- it wouldn't be everything, no.  
7 Q. So some things she would count, other things  
8 someone else would count?  
9 A. If I remember -- well, that -- yes.  
10 Q. Who would those other people be?  
11 A. Shop supervisors.  
12 Q. Anyone else?  
13 A. Boy, I'm trying to think, and I can't -- mostly  
14 it's supervisors who are responsible for that. When I  
15 see the supervisors -- I mean, we had many  
16 supervisors. We had factory supervisors. We had  
17 melters. We had caster supervisors.  
18 Q. Okay.  
19 A. Generally they would be responsible for  
20 physical inventories as well as the general  
21 supervisors --  
22 Q. Okay.  
23 A. -- do some of that.  
24 Q. And would these general supervisors provide

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1 met with Randolph Harris and/or Dennis Ford concerning  
2 Terri's job performance.  
3 A. No. I couldn't say how many times. We met  
4 every day, Randolph, Dennis, and I. So I can't say  
5 how many times those meetings -- the issue of her  
6 performance came up.  
7 Q. Did you specifically have meetings regarding  
8 Terri Snyder.  
9 A. I'm sorry. Could you say that again?  
10 Q. Yeah, I know that you met with Randolph Harris  
11 and Dennis Ford every day. My question to you is, did  
12 you ever meet with them specifically to discuss Terri  
13 Snyder?  
14 A. Well, you know, I don't recall that. I believe  
15 we did after other complaints of theirs, but whether  
16 it was a specific meeting that we said let's have a  
17 meeting about this, I don't remember that. I'll --  
18 I'm going to say that, more than likely, we discussed  
19 it over several occasions and finally just agreed that  
20 some action needed to be taken. But, you know, does  
21 that constitute a meeting about her and her alone? I  
22 can't say. I don't remember that.  
23 Q. When you indicated that you met to discuss her  
24 job performance, would these meetings be with both

7 (Pages 22 to 25)

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1 Randolph Harris and Dennis Ford at the same time?  
 2 **A. Every morning we had a morning meeting with**  
**3 multiple general supervisors and plant manager, and**  
**4 afterwards I would meet with job supervisors, general**  
**5 supervisors, which is Randolph and Dennis together.**  
**6 Occasionally I would meet with them individually if**  
**7 there was a need for that. But every morning we met**  
**8 together.**

9 MS. BREWINGTON: Now, I'd like you to turn  
 10 to another exhibit. It's labelled D-371, and D-371.  
 11 Two pages -- no. It's actually just one, if I can  
 12 have this marked as Buragino 2.

13 (Buragino Deposition Exhibit 2 was marked  
 14 for identification.)

15 BY MS. BREWINGTON:

16 Q. Mr. Buragino, could you tell me what this  
 17 document is that I put in front of you?  
**18 A. This is an unacceptable attendance and work**  
**19 performance write-up from me to Terri Snyder dated**  
**20 March 3rd, 2003.**

21 Q. Would this also be characterized as a written  
 22 warning?

23 **A. Yes. I'm sorry, write-up, written warning,**  
**correct.**

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1 sounded clear. But in other words, the warning given  
 2 was written. We just had to -- the verbal portion of  
 3 that before this was given to her.

4 Q. Okay.  
**5 A. So that's considered a written warning.**  
**6 Someone is given a write-up versus someone who's just**  
**7 talked to in which case nothing in writing is put**  
**8 down.**

9 Q. Well, on February 28, she was just talked to,  
 10 is that correct?

11 **A. In reading your -- yes. In other words,**  
**12 February 28, if I read this -- and I'm presuming we**  
**13 wrote correctly that we had a meeting with her. This**  
**14 documents that and the warning.**

15 Q. And was she told on February 28, 2003, that she  
 16 was going to be written up?

17 **A. I believe so. I don't recall. I'm fairly**  
**18 certain of that, but I don't recall specifically in**  
**19 the conversation.**

20 Q. You don't recall who said it, but you believe  
 21 it was said?

22 **A. That's -- I mean, in other words, all I'm**  
**23 saying is I can't recall, but saying to her**  
**24 specifically, this meeting is about a written**

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1 Q. And it's cc-ed to Randolph Harris, Dennis Ford,  
 2 and her personnel file?

3 **A. That's correct.**

4 Q. And did you have a meeting with Ms. Snyder on  
 5 February 28, 2003, to discuss her attendance and work  
 6 performance?

7 **A. The date I don't remember. But since it says**  
**8 that here, I know we had meeting, and I do remember**  
**9 parts of that meeting, yes. So we did have a meeting**  
**10 with her, and then this is the write-up that she**  
**11 received.**

12 Q. And my question is, why didn't she receive the  
 13 write-up on February 28, 2003?

14 **A. I don't recall. It was just we had the**  
**15 meeting, and you all get a written warning as a result**  
**16 of this meeting to -- I can't tie -- I can't recall**  
**17 that.**

18 Q. So the discussion on February 28th, 2003, was  
 19 not a verbal warning?

20 **A. This is a written warning. So in essence, the**  
**21 discussion was this, and this was the written warning**  
**22 of that.**

23 Q. Okay.

24 **A. I don't think -- you know, I don't think that**

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1 **warning -- okay? But in general, when they were going**  
**2 to receive a written warning, people were told they**  
**3 were going to get a written warning. So I can't**  
**4 recall that being said specifically.**

5 Q. Generally, are they given the written warning  
 6 on the date that that they meet to discuss it?

7 **A. We didn't give out too many written warnings**  
**8 that I recall. So I can't say that that was -- that**  
**9 is unusual. I can't recall where someone was given a**  
**10 written warning at the same time that they had a**  
**11 meeting with them. So I can't -- I can't answer that**  
**12 to say that this is any different than anything else.**

13 Q. And this document is dated March 3, 2003. Do  
 14 you see that at the top?

15 **A. Yes.**

16 Q. Do you know whether this document was given to  
 17 Terri Snyder on March 3rd, 2003, that you gave her a  
 18 copy?

19 **A. I can't say I know that. I can't recall that**  
**20 specifically, no. I mean, I don't recall either date**  
**21 specifically. You know, I can look at the sheet and**  
**22 read it, but, you know, I can't recall that she was**  
**23 given it on the 3rd of March, no.**

24 Q. Were you present when the actual written

8 (Pages 26 to 29)

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1 warning was given?  
 2 **A. You mean physically, this piece of paper?**  
 3 Q. Yes.  
 4 **A. To be honest with you, I don't remember that.**  
 5 **I just remember an issue of her not wanting to sign**  
 6 **it. Whether I was there at the time, it sounds crazy,**  
 7 **but I don't -- I don't remember. It's just --**  
 8 Q. So you may have been told that?  
 9 **A. I'm sorry?**  
 10 Q. I'm sorry. Maybe I moved away from the phone.  
 11 You may have been told that she didn't  
 12 want to sign it?  
 13 **A. No. It wasn't signed by her. That's all I do**  
 14 **remember, something like that, and I'm trying to**  
 15 **remember whether she refused to sign it in front of**  
 16 **me. I honestly don't remember, you know, that**  
 17 **instance. So it's -- you know, I'm just telling you**  
 18 **what I remember and don't remember.**  
 19 Q. Did you draft this document?  
 20 **A. These documents were always drafted with Jerry**  
 21 **Downie who is our HR director because the language in**  
 22 **these documents is always very specific.**  
 23 Q. So Jerry Downie was also involved in this  
 24 write-up?

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1 **meaning operations in the melt shop. Now, when you**  
 2 **say who, it would have to come from Randolph and**  
 3 **Dennis and I at that time.**  
 4 **How did it come specifically from which**  
 5 **one of us, in other words, each piece of this here, I**  
 6 **don't recall.**  
 7 Q. Did you have any personal knowledge that Terri  
 8 missed this 13 days in 2002 and that she missed two  
 9 days in 2004?  
 10 **A. When you say, did I have personal knowledge, I**  
 11 **don't know what you mean by that.**  
 12 Q. I guess I mean, did you --  
 13 **A. There are records of people's attendance. So**  
 14 **if somebody brought forward that record, that would be**  
 15 **personal knowledge, but I didn't personally know which**  
 16 **days she was off.**  
 17 Q. So you may have looked at a record that may  
 18 have indicated that.  
 19 **A. Yes. We kept attendance records on people.**  
 20 **But personally I wouldn't know, you know, I wouldn't**  
 21 **know which days are -- different employees are in work**  
 22 **or out of work without an attendance record.**  
 23 Q. So you need attendance records to actually know  
 24 what days she missed, what days she came in, correct?

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1 **A. Yes.**  
 2 Q. Okay.  
 3 **A. He was involved in all write-ups because, as HR**  
 4 **director, they were issued by HR.**  
 5 Q. Did he draft this?  
 6 **A. The format of a write-up is essentially the way**  
 7 **he wants a write-up to be written. So if you want to**  
 8 **call that a draft, did he draft it? I mean, this is**  
 9 **his method of writing. This was the procedure for**  
 10 **having a write-up.**  
 11 Q. I want to take baby steps here. Did he or a  
 12 person from human resources type this memo?  
 13 **A. I don't recall specifically who typed it.**  
 14 Q. Did you?  
 15 **A. I don't remember whether I typed it or not. I**  
 16 **mean, I -- I don't think I did. I think -- usually we**  
 17 **did not type these. HR typed these.**  
 18 Q. And who would -- I'm sorry.  
 19 **A. The issue or mention the issue and the wording**  
 20 **for that was very specific and how it to be worded in**  
 21 **a write-up. That was pretty much standard HR policy.**  
 22 Q. Who provided the information in the write-up to  
 23 human resources?  
 24 **A. That information would have to come from us,**

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1 **A. Correct.**  
 2 Q. How about the next paragraph where it indicates  
 3 "you have been shown how to perform tasks repeatedly  
 4 and you have required additional instruction."  
 5 Did you have any personal knowledge that  
 6 Terri required additional instruction?  
 7 **A. At the time I'm sure I had involvement with it,**  
 8 **I mean, just as the record of me talking to Carmella.**  
 9 **But do I personally recall that at the moment or did I**  
 10 **have personal -- did I personally see that she was**  
 11 **trained? I can't say that now. I don't remember all**  
 12 **that. But it was -- part of my job was to try and**  
 13 **make sure that people were given the proper training,**  
 14 **so if...**  
 15 Q. Did you have to show her how to perform tasks  
 16 repeatedly?  
 17 **A. Me personally?**  
 18 Q. Yeah.  
 19 **A. I don't think I would have done that, no.**  
 20 Q. Do you know of anyone who had to show her how  
 21 to perform tasks repeatedly?  
 22 **A. Those who would have trained her in her job.**  
 23 Q. But did you notice that? Were you present at  
 24 that time? Do you recall anything like that?

9 (Pages 30 to 33)

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Page 34

1 **A. I mean, do I know right now that I can recall**  
 2 **whether she was shown and when she was shown? No. I**  
 3 **can't recall that?**  
 4 Q. What can you recall about the fact that this  
 5 memo from you indicates that "you have been shown how  
 6 to perform tasks repeatedly and you have required  
 7 additional instruction"?  
 8 **A. I can recall that we discussed these issues, as**  
 9 **I mentioned to you, in various -- you know, over a**  
 10 **period of time. And these issues were brought to my**  
 11 **attention by primarily Dennis and Randolph who she was**  
 12 **reporting to. So you rely on your people who work for**  
 13 **you to tell you what's going on.**  
 14 Q. That's all I wanted to know.  
 15 You've stated that someone put -- I'm  
 16 reading actually not the next one down but the next  
 17 one. If indicates, "You have stated that someone put  
 18 a sticker on your car and wrote graffiti about you on  
 19 a wall. Following investigations, we have concluded  
 20 that there is no evidence that these things happened  
 21 at CitiSteel."  
 22 Is that statement true?  
 23 **A. Is it true?**  
 24 Q. Mm-hmm. Yes.

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1 the time, would support basically the whole staff in  
 2 the melt shop?  
 3 **A. Would do what? What did you just say?**  
 4 Q. I'm sorry. Would support the entire melt shop  
 5 department?  
 6 **A. Her job was to act as clerk or support,**  
 7 **administrative support for the melt shop.**  
 8 MS. BREWINGTON: I'd like you to turn to  
 9 the next set of documents. It's D375, D376, D377.  
 10 I'd like to have that marked as Buragino 3.  
 11 (Buragino Deposition Exhibit 3 was marked  
 12 for identification.)  
 13 BY MS. BREWINGTON:  
 14 Q. Do you have that document in front of you?  
 15 **A. Yes.**  
 16 Q. What is this document?  
 17 **A. It is events surrounding Terri Snyder's**  
 18 **harassment charges described by Greg Buragino, April**  
 19 **10, 2003, and I signed it.**  
 20 Q. When did you first learn of Terri Snyder's  
 21 allegations of sexual harassment?  
 22 **A. Well, if I read the first line of this, on**  
 23 **April 8th at approximately 12:00 a.m.**  
 24 Q. Okay.

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1 **A. I don't think we would say it if it wasn't**  
 2 **true. When you say that, she did claim that people**  
 3 **wrote graffiti, I do remember that, although, you**  
 4 **know, I don't recall ever seeing anything myself, and**  
 5 **I know people did look to see if they could find**  
 6 **something and didn't. So that's true, but...**  
 7 Q. How many clerk/typists were in the melting shop  
 8 when Terri was employed?  
 9 **A. I think -- you're saying when she was employed?**  
 10 Q. Yeah. Mm-hmm.  
 11 **A. I think she was -- at least generally only had**  
 12 **one. So would have been just her.**  
 13 Q. And how many employees are in the melt shop?  
 14 **A. Oh, gees.**  
 15 Q. I'm talking about at the time of Terri's  
 16 employment. And I don't need exact. If you can just  
 17 recall approximately, you can give me a range if that  
 18 would be helpful.  
 19 **A. Well, okay. You said that a number is probably**  
 20 **about 100. That includes maintenance as well as**  
 21 **operations, and that's everybody, you know, working in**  
 22 **or around melt shop. So the number would be about**  
 23 **100, you could say.**  
 24 Q. And the typist/clerk, which was Terri Snyder at

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1 **A. I don't remember that specifically, but I wrote**  
 2 **this, so I'll trust myself.**  
 3 Q. I'm just wondering about something. It does  
 4 indicate 12:00 a.m. Would that be in the middle of  
 5 the night or should that say 12:00 p.m.?  
 6 **A. 12:00 p.m. sounds more reasonable. I don't**  
 7 **think you would call me in the middle of the night for**  
 8 **that.**  
 9 Q. I was just with wondering about that.  
 10 **A. Good catch.**  
 11 Q. So that's the time that you first learned of  
 12 Terri Snyder's allegation, probably around 12:00 p.m.  
 13 on April 8th, 2003, correct?  
 14 **A. I'll trust this as...**  
 15 Q. Okay. Tell me what happened, when you received  
 16 a call from Dennis Ford?  
 17 **A. Well, again, I'm going on what I wrote, which I**  
 18 **can trust implicitly.**  
 19 Q. Well, let me ask you something before you go  
 20 on. Based on what you wrote, do you remember anything  
 21 about what Dennis Ford said to you?  
 22 **A. Maybe not the specifics. I just remember he**  
 23 **came to me and said that, you know, Terri was claiming**  
 24 **that Randolph had harassed her. And our policy or**

10 (Pages 34 to 37)

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1 procedure was that that was to be brought to HR  
2 attention as soon as possible. And that's what we  
3 did. I don't remember the specifics of the  
4 conversation, no.

5 Q. Do you want to tell me anything else based on  
6 what you have in front of you, only with respect to  
7 your conversation with Dennis Ford, though.

8 A. I mean, I don't remember, you know, that  
9 specific conversation other than that he brought it to  
10 my attention.

11 Q. I just wanted to give you the opportunity to  
12 add something if you wanted to based on refreshed  
13 recollection based on the writing here.

14 A. Well, I mean, my memory is not that good. I  
15 mean, that's why I wrote a lot.

16 Q. Okay. I want to ask you about what happened  
17 next. You contacted Dennis Ford. I mean, Dennis Ford  
18 contacted you, and then what happened?

19 A. Well, we went to Jerry Downie or contacted  
20 Jerry Downie, I should say, and that was our policy  
21 was that he needed to be informed as soon as possible.

22 Q. Did you call him on the phone?

23 A. I think I called him on the phone, that we need  
24 to talk, whatever. I mean, that's -- you know, again

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1 down in writing what you were told --  
2 Q. Okay.  
3 A. -- what happened, et cetera, that -- you know,  
4 that was again part of the procedure was to document  
5 from that point what was being said and by whom.  
6 Q. What happened after that?  
7 A. Jerry was called over, and you know, Jerry  
8 wanted to meet with Terri, you know, right -- as soon  
9 as possible.  
10 Q. Do you remember meeting with Terri?  
11 A. I remember her coming over to the HR building,  
12 yes, and Jerry and I speaking with her and then Jerry  
13 asking her to put in writing after the -- you know,  
14 after she talked to us, to put in writing in her own  
15 words what -- what happened or what the issues were,  
16 you know, in her own way. She was allowed to do that.  
17 Q. Do you remember anything else?  
18 A. No. I mean, again, not the specifics other  
19 than that, that was kind of the sequence of events.  
20 Q. Did you say anything during that meeting?  
21 A. Did I specifically say anything to her?  
22 Q. Yes. Did you talk, did you participate in the  
23 meeting at all?  
24 A. Well, sure. I guess we both asked questions.

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1 I -- I don't remember specifically what I did. I  
2 mean, I don't. I just remember we had to get a hold  
3 of Jerry Downie. And he was there that day, so we  
4 found him, and let's get together right away or as  
5 soon as possible. I don't remember what happened  
6 between noon and one-thirty as it says here. I  
7 couldn't tell you.  
8 But the idea was we needed to speak about  
9 this as soon as possible.  
10 Q. And did you do that?  
11 A. Yes.  
12 Q. Tell me what happened in that meeting.  
13 A. Again, specifically, I don't remember other  
14 than that, you know, we asked Dennis to tell us what  
15 she told him. I mean, at that point, both Jerry and I  
16 didn't know the details, if I remember, and other than  
17 what Dennis told me briefly. So, again, we instructed  
18 Dennis to tell us everything he was told.  
19 Q. And he did that, I assume?  
20 A. Yeah.  
21 And then Jerry -- it says it here. I  
22 mean, do I remember him doing it? I mean, because it  
23 says here, I do remember that part of it, but he wants  
24 everybody to document at that point, tell us, put it

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1 I think Jerry did most of the asking, and mostly I was  
2 an observer, but I'm sure we had -- I recall being a  
3 participant. Can I recall specifically what I said  
4 then? No.  
5 Q. Did Terri say to you that she felt that you and  
6 Downie could help her and that you could get  
7 Mr. Harris to stop?  
8 A. I don't remember her saying that she thought we  
9 could help her. That I don't recall.  
10 Q. Okay.  
11 A. The words, "I'd just like him to stop," or "I'd  
12 like to get him to stop," I do remember something like  
13 that, her saying something like that, you know, that  
14 rings a bell with those words. But whether she  
15 thought that we could help her, I don't remember that.  
16 I'm not saying she didn't. I'm just saying I don't  
17 remember that.  
18 Q. If I could direct your attention to -- I'm  
19 looking at D375, and it's the fourth bullet from the  
20 bottom of those bullets. Does it indicate there, "She  
21 felt that we could help her and we could get Randolph  
22 to stop."  
23 A. Again, that's what I wrote, so I'll have to  
24 presume that it was exactly what she said or something

11 (Pages 38 to 41)

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1 **like that. Do I remember that specifically today?**  
 2 **No. I mean, but, again, I wrote this, so I don't deny**  
 3 **that that's what she said.**  
 4 Q. Did she tell you that she didn't want Randolph  
 5 Harris fired?  
 6 **A. I think that came out. Again, I think that it**  
 7 **was, you know, something like that. I didn't want to**  
 8 **hurt him or whatever. I don't -- again, I don't**  
 9 **remember the exact words, but I think there was**  
 10 **something like that said as well.**  
 11 Q. Did she tell that you as long as he stopped,  
 12 she would be satisfied?  
 13 **A. Again, I don't remember exact words. Again,**  
 14 **you know, she wanted him to stop, but you know,**  
 15 **whether she'd be satisfied, I don't remember, you**  
 16 **know, specific words like that. I can't say. I wrote**  
 17 **something here that sounds like that. I mean, if I**  
 18 **look through this in detail, again, I'll try and**  
 19 **recollect based on that. But, you know, sitting here,**  
 20 **right at this moment, I can't recall exactly things**  
 21 **that she said.**  
 22 Q. I'll direct your attention to the third bullet  
 23 from the bottom. It indicates, quote, she said that  
 24 she didn't want Randolph to be fired or hurt, but she

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1 Q. And why would he --  
 2 **A. I believe that he did say that. Do I recall**  
 3 **him specifically saying that right at this moment?**  
 4 **No, I don't. But I do believe that was something that**  
 5 **came up, yes.**  
 6 Q. And why would you ask about a level of comfort?  
 7 MS. DiBIANCA: I'm going to object. That  
 8 mischaracterizes the witness' prior testimony.  
 9 You can go ahead and answer.  
 10 **A. Well, when you say comfort, you say working**  
 11 **around Randolph, or being -- whatever, I mean, I think**  
 12 **the -- you know, the point was to, you know, see if**  
 13 **she wanted to go back to the shop, I think, or not.**  
 14 You know, would she feel comfortable or was there any  
 15 reason not to? I mean, that's -- I think those were  
 16 things that were brought up, but I don't recall the  
 17 exact words, whether comfort or not was used. I mean,  
 18 that is -- I hope I'm not saying a bad -- you know, a  
 19 wrong word because I don't recall exact words, but  
 20 those things are things that Jerry was trying to  
 21 ascertain during the interview.  
 22 Q. Did you think it was important to ascertain  
 23 whether she would feel uncomfortable working in the  
 24 same environment as Randolph Harris?

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1 wanted to let -- she wanted him to admit what he was  
 2 doing. Wait. I'm sorry. I'm reading this wrong.  
 3 Wanted him to admit that he was doing this and that he  
 4 should stop. As long as he stops, she'd be satisfied  
 5 and she would not want to pursue this any further.  
 6 Is that an accurate statement?  
 7 **A. You read it accurately off the page.**  
 8 Q. Okay.  
 9 **A. Without reading it, but you know, I'm sure I**  
 10 **said what I thought at the time she meant. I mean, I**  
 11 **tried to recollect -- meaning even -- I say here, from**  
 12 **the conversation, these are the points I recall.**  
 13 Q. Okay,  
 14 **A. That's what I tried to do. I mean, this was**  
 15 **written a couple days later. So even two days later,**  
 16 **I may have not gotten it exact, but I tried to be as**  
 17 **thorough as I could, but three years later, I don't**  
 18 **remember exactly, no.**  
 19 Q. Did you or Downie ask her if she would feel  
 20 uncomfortable working around or near Randolph Harris?  
 21 **A. Again, I don't recall that specifically, but I**  
 22 **know that, as part of the policy, you know, Jerry --**  
 23 **Jerry's job was to do that, to determine a level of**  
 24 **comfort or discomfort.**

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1 **A. You know, I'm not an HR person, but I know that**  
 2 **there are things that are required in such an**  
 3 **investigation to try to determine. So, you know, I --**  
 4 **that was my understanding is that, you know, that is**  
 5 **important and it certainly seems like a reasonable**  
 6 **thing to find out, that, you know, a person feels**  
 7 **harassed, you're trying to ascertain just how**  
 8 **uncomfortable they are?**  
 9 Q. Why would that be reasonable?  
 10 **A. I'm sorry?**  
 11 Q. Why would that be reasonable to ascertain?  
 12 **A. I don't know. Logically, if one is claiming**  
 13 **harassment, you want to find out what they are being**  
 14 **harassed for, whether they are comfortable or**  
 15 **uncomfortable, isn't that what harassment is? Maybe**  
 16 **I'm not following your question?**  
 17 Q. I guess my question is you indicated it would  
 18 be rational or logical to ask whether Terri would feel  
 19 uncomfortable still working around or near Randolph.  
 20 Is that what you indicated?  
 21 MS. DiBIANCA: I don't know that it was,  
 22 and I'm going to object. That mischaracterizes his  
 23 testimony.  
 24 Q. You can answer that question.

12 (Pages 42 to 45)

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1 MS. DiBIANCA: Go ahead. Sorry.

2 **A. I'm sorry. Can you repeat the question?**3 MS. BREWINGTON: Court Reporter, can you  
4 repeat that last question I asked?

5 (Record read.)

6 **A. Yeah. Sure. I mean, that would be a rational**  
7 **thing to ask somebody who said that they -- they are**  
8 **harassed, but they still want to work with the person,**  
9 **wouldn't it? I mean, I guess in my own head. I don't**  
10 **know. I'm just saying my own head. Whether he was**  
11 **specifically asked, A, I don't know. I wrote**  
12 **something here that said -- that says that. So I**  
13 **don't know what it is you're expecting me to say if I**  
14 **don't recall specifically what was said other than**  
15 **what I wrote here.**16 Q. Would this question be important to ask -- and  
17 the question I'm talking about is whether Terri would  
18 be uncomfortable working with Randolph Harris. Would  
19 this question be important to ask in determining how  
20 to resolve this situation?21 **A. Yes, I believe it would.**

22 Q. Why is that?

23 **A. Well, if you're asking my opinion, again, on**  
24 **what constitutes harassment, it's a person's uncomfort**1 her dusty little office. And when asked if she would  
2 be uncomfortable still working around/near Randolph,  
3 she said she would not."

4 Do you see where it says that?

5 **A. Yeah.**6 Q. Does that help refresh your recollection in any  
7 way?8 **A. Well, again, I don't remember her saying,**  
9 **"Dusty little office" but if I put it in quotes,**  
10 **that's probably the way she phrased it. But do I**  
11 **remember that specifically? No. I mean, if I said**  
12 **here she said she would not, she probably said she**  
13 **would not. But, again, you know, I believe I wrote**  
14 **what I recollect at that time two days after the**  
15 **event, you know.**16 Q. Did she tell you that she did not want another  
17 job at that time?18 **A. I think that she argued about moving to another**  
19 **position elsewhere in the facility. I think that she**  
20 **didn't want to do that.**

21 Q. Did she say why she didn't want to do that?

22 **A. I don't remember why. I just remember she**  
23 **didn't want to, but I don't remember why she didn't**  
24 **want to, no.**

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1 **level with some situation. So if a person says, I**  
2 **just want them to stop it and it will be okay, I think**  
3 **it behooves the company to say, well, going forward**  
4 **how -- you know, what is the best way to resolve it?**  
5 **How uncomfortable or comfortable would it be? And if**  
6 **uncomfortable, change that somehow.**

7 Q. And if comfortable?

8 **A. Just by -- you know, that's just my thought on**  
9 **that. If you ask me about resolution, I mean, I think**  
10 **the company has some responsibility, any company has a**  
11 **responsibility to try and resolve it if, indeed, it's**  
12 **a problem.**13 Q. Do you recall Terri indicating to you that she  
14 did not or would not feel uncomfortable working around  
15 or near Randolph?16 **A. Again, I don't recall her saying that exactly.**  
17 **You know, I recall her just saying about the part**  
18 **where she didn't want him to be hurt or something like**  
19 **that. But I don't -- you know -- you know, she just**  
20 **wanted him to stop, but I don't recall her saying,**  
21 **"I'd be fine working around him." I don't remember**  
22 **that exactly, no.**23 Q. Let me take you to the second bullet from the  
24 bottom. It indicates, quote, "She liked her job and1 Q. Did you or Downie bring up moving her to  
2 another location at that time?3 **A. I think Jerry did as, again, as a possible**  
4 **solution. And I think that was ultimately what -- you**  
5 **know, what he was proposing was, you know, there were**  
6 **other -- you know, move to another position. But,**  
7 **again, I don't -- I don't remember how that came up or**  
8 **exactly what he said at the time, but that was a**  
9 **possible resolution.**10 Q. And was that discussed with Terri on April 8th,  
11 do you know?12 **A. Again, you know, I can't recall that today.**  
13 **But, again, in this writing you have here by me I**  
14 **said -- you know, it says these are points I recall**  
15 **from this meeting, so I'll have to believe that it**  
16 **was.**17 Q. On April 8th, 2003, that's when you talked to  
18 Terri, correct?19 **A. Yes.**

20 Q. Okay.

21 **A. It is, yes.**22 Q. Do you know or can you recall whether the idea  
23 of relocating her to shipping came about on April 8th?24 **A. Yeah. I don't remember that specifically. You**

13 (Pages 46 to 49)

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1 know, I know -- you know, I know that topic came up.  
 2 You know, in what order it came up in, I'm not sure.  
 3 I can't recall that today. I remember, you know,  
 4 vaguely the movement to shipping. Whether that was on  
 5 Jerry's mind that day or came up specifically, that I  
 6 don't remember.  
 7 Q. I think you mentioned earlier -- and correct me  
 8 if I'm wrong -- you allowed Terri to write down or to  
 9 provide a statement about the sexual harassment?  
 10 A. Yes. I think Jerry directed her to write down  
 11 everything, basically everything she wanted to write.  
 12 Q. And if I could turn your attention for a brief  
 13 moment to another one of the exhibits you have in  
 14 front of you, D373, and D374. It's dated Tuesday,  
 15 April 8th.  
 16 A. Okay. I have D374, which looks like it is page  
 17 2 of 2. I see D373 now. Okay. I didn't see  
 18 D373, but I have page 1 of 2 here. It's cut off, but  
 19 go ahead. I'm --  
 20 MS. DiBIANCA: It's cut off on our copy  
 21 too.  
 22 MS. BREWINGTON: Yeah. Me too.  
 23 Q. I'm not really going to ask you about it. I  
 24 just want to know if this is the statement that Terri

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1 or --  
 2 A. Well, I don't know what you mean by what are my  
 3 thoughts?  
 4 Q. I thought I was being kind of general. I guess  
 5 my question is, did you have any inclination as to  
 6 whether she was sincere or telling the truth?  
 7 A. Well, I believe she -- we gave her the benefit  
 8 of the doubt, you know, as in any case like this.  
 9 She -- you know, if not sure during the initial  
 10 fact-finding, whatever, you know, what's true or  
 11 what's not true. You have to find out more  
 12 information. I mean, I think we attempted to, you  
 13 know, as best as we could, take her at face value,  
 14 whatever she wrote or said that, okay, let's vet it  
 15 further. I mean, I can't say specifically my thoughts  
 16 were other than that. You know, we were -- attempted  
 17 to get to the bottom of it.  
 18 Q. And you met with Randolph that same day, April  
 19 8, 2003, correct?  
 20 A. Yes.  
 21 Q. And who was present during that meeting?  
 22 A. I think it was just Jerry, myself, and  
 23 Randolph, if I'm not mistaken.  
 24 Q. And tell me what you recall about that meeting?

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1 wrote that day?  
 2 A. It I believe it is. It looks like it. I mean,  
 3 I'll -- again, do I remember specifically watching  
 4 over her as she wrote it? No. But it's -- looks like  
 5 her -- you know, this is what she did.  
 6 MS. BREWINGTON: Okay. I'm just going to  
 7 have that marked as 4 if I could.  
 8 (Buragino Deposition Exhibit 4 was marked  
 9 for identification.)  
 10 BY MS. BREWINGTON:  
 11 Q. Did you meet with Randolph Harris that very  
 12 same day?  
 13 A. Yes, I believe we did.  
 14 Q. Was he at work that day?  
 15 A. I'm sorry?  
 16 Q. Was he at work that day?  
 17 A. Again, some of this was refreshed for me by  
 18 that, but I did recall then that he was not, you know,  
 19 but did he come in after -- he had jury duty or  
 20 something. He was out work, but he was able to come  
 21 to the HR office later that day.  
 22 Q. And what were your thoughts about the sexual  
 23 harassment after you spoke with Terri?  
 24 Do I need to be a little bit more specific

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1 A. I just remember us grilling Randolph. You  
 2 know, I say grilling. Maybe that's not a good word.  
 3 But I mean, asking him about this situation and trying  
 4 to find out whether it was anything about this that  
 5 was true from, you know, his point of view or whether,  
 6 I guess you would say, he would admit to, yes, I  
 7 agree, or you know.  
 8 Q. Do you remember anything about Randolph's  
 9 response?  
 10 A. Well, I remember he was, I guess, hard to  
 11 describe. I think Randolph seemed very, like anyone  
 12 would, a bit shocked, I guess, or a little  
 13 disappointed or -- you know, I don't know what word to  
 14 use. But I just think he was surprised by it, you  
 15 know, genuinely concerned about it.  
 16 Q. Did you or Downie tell Randolph that he, quote,  
 17 needed to come clean now, end quote?  
 18 A. I don't recall using that expression or whether  
 19 Jerry used that expression. But I think the -- I said  
 20 that in my words over here. Maybe that's what we  
 21 said. But I think the idea was, you know, be honest  
 22 with us, tell us, tell us, you know, what's happening.  
 23 I mean, I think we were trying to be very straight  
 24 with him and wanted him to be very straight with us.

14 (Pages 50 to 53)

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1 Q. Did Randolph tell you that he raised his voice  
2 on one occasion and that Terri Snyder was visibly  
3 upset.

4 MS. DiBIANCA: Did what, Lori? I'm sorry.  
5 I didn't quite hear you.

6 Q. Did Randolph tell you that he raised his voice  
7 on one occasion and that Terri Snyder was visibly  
8 upset?

9 MS. DiBIANCA: What was the question?  
10 Something about his boys?

11 MS. BREWINGTON: I'm sorry. I'll repeat  
12 it.

13 MS. DiBIANCA: I'm sorry, Lori. It's  
14 probably my end. I heard you say something about  
15 raped boys?

16 MS. BREWINGTON: No. Raised his voice.

17 MS. DiBIANCA: Pardon me for the  
18 interruption. I'm sorry.

19 MS. BREWINGTON: That's okay.

20 BY MS. BREWINGTON:

21 Q. Mr. Buragino, can you hear me?

22 A. Yes. I hear you.

23 Q. Can I repeat the question for you?

24 A. I heard you.

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1 Q. Is it also fair to say that you probably said  
2 that Terri would be satisfied if only he admitted what  
3 he was doing and if it would stop?

4 A. Again, I don't -- I don't remember that. There  
5 were -- you know, there's not much of any of these  
6 conversations specifically that I remember. There's  
7 bits and pieces. So, you know, those particular  
8 comments, I don't -- you know, I don't recall, but I  
9 will -- you know, again, if it was part of what I  
10 wrote here, I will say that I -- I'll stand behind  
11 what I wrote. You know, I endeavored to say what I  
12 recalled of those particular meetings as best I could.

13 Q. I'd like to take you to the next morning.  
14 That's April 9, 2003.

15 A. Okay.

16 Q. Did you have a meeting that morning?  
17 Wait. Before you answer that, let me ask  
18 you a question. What were your thoughts about Terri  
19 Snyder's allegations after speaking with Randolph? If  
20 I could be a little more specific, I want to know if  
21 they changed at all from earlier when you were going  
22 to give her the benefit of the doubt?

23 A. Specifically what were my thoughts? You mean  
24 after?

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1 Q. Okay.

2 A. If you want to repeat it, you can, but...

3 Q. No. I'm good. I've said it a couple times.

4 MS. DiBIANCA: Sorry, Lori.

5 MS. BREWINGTON: That's okay.

6 A. I don't remember. I don't remember him saying  
7 that. Again, if I wrote that here somewhere -- I'm  
8 not looking at the points exactly. It may very well  
9 have been that he said that. But I don't recall him  
10 saying that exactly.

11 BY MS. BREWINGTON:

12 Q. Do you recall telling Randolph -- and when I  
13 say you, I guess I mean Downie and yourself because  
14 I'm not sure, based on your writing which one said  
15 what, if it was said.

16 But in your writing, it indicates that you  
17 emphasized that Terri said that she didn't want him  
18 fired. Do you remember telling Randolph that?

19 A. No. I mean, I don't. Again, I'll just admit  
20 that we probably -- you know, we did. If I wrote it,  
21 we would probably say -- said it, but I don't recall  
22 it personally right now as having said it or, you  
23 know, I can't say I recall Jerry saying that to him  
24 specifically.

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1 Q. Did you have any -- you may not have had any.  
2 I don't know. I'm just asking.

3 A. You know, there's just no way I can recall what  
4 I was thinking at the time other than you have to  
5 understand, you know, I knew Randolph a lot longer  
6 than I knew or, you know, worked with this woman. I  
7 mean, I didn't work with her all that close at all  
8 even. I worked with Randolph a lot of years. So, you  
9 know, that -- you know, I'm sure my thoughts were  
10 tempered by knowing him so well.

11 Q. Did you feel bad for Randolph?

12 A. Well, again, if I can -- I can't necessarily  
13 recall exactly what I felt at the time. But would I  
14 have felt bad for him? I'm sure I would. You know,  
15 that -- sure. I mean...

16 Q. And I asked you a question and then I  
17 interrupted you by asking another question. But I  
18 want to go to the next morning. That's April 9, 2003.

19 And my question to you is, did you have a meeting that  
20 morning?

21 A. I think that's when we met with Warren Beiger.  
22 I think Jerry wanted to meet with Warren right away,  
23 who was the president. So he was my boss and Jerry's  
24 boss.

15 (Pages 54 to 57)

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1 Q. He was the president of CitiSteel?  
 2 **A. He was the president at the time, yes.**  
 3 Q. What was the purpose of this meeting?  
 4 **A. Again, I can only try and recollect that. You**  
**5 know, it's like anything else, Jerry's a very**  
**6 informative guy and wanted to follow all possible**  
**7 policy procedures as quickly as possible. I mean, I**  
**8 think he was very good at that, and I think that --**  
**9 you know, we had to, you know, make the president**  
**10 aware of this situation. So I think that was his**  
**11 intention.**  
 12 Q. So essentially the purpose of this meeting was  
 13 to keep the president informed of what's going on?  
 14 **A. Again, I specifically -- I think that it was --**  
**15 I can't recall specifically but I know that that was**  
**16 certainly part of it. And whether the original intent**  
**17 was to get his disposition or so I don't recall at the**  
**18 time, you know, right at the moment, but you know,**  
**19 part of the policy was to, you know, elevate that, you**  
**20 know, to a highest level to get, you know, disposition**  
**21 and resolve it, so...**  
 22 Q. So is it fair to say that you were seeking the  
 23 input of Warren Beiger to determine how to resolve the  
 24 situation?

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1 MS. DIBIANCA: I'm going to object to the  
 2 extent it mischaracterizes his prior answer. Go ahead  
 3 and answer.  
 4 **A. Again, I don't remember exactly what, you know,**  
**5 the full extent of the meeting with Warren was. You**  
**6 know, again, I can't recall exactly.**  
 7 Q. Okay.  
 8 **A. You know, whether -- everything is part of the**  
**9 investigation, whether it was, you know, to get input,**  
**10 to get -- to form -- all of the above.**  
 11 Q. Was Randolph Harris involved in this meeting?  
 12 **A. I don't think so. I don't remember. I don't**  
**13 think that Randolph was, but -- you know what? Again,**  
 14 **I'm -- I don't recall that. I know -- I know Jerry**  
 15 **and I were there, and whether Randolph was there or**  
 16 **not, I'm not sure.**  
 17 Q. Well, if I could take you to -- I'm on D-377,  
 18 and I guess it's the fourth paragraph, and it's one  
 19 sentence. It says, "The next day, 4/9, at  
 20 approximately 9:15, Jerry, myself, and Warren Beiger  
 21 met with Randolph in Jerry's office."  
 22 Does that refresh your recollection?  
 23 **A. Well, it doesn't specifically. And that's why**  
 24 **I'm saying I don't remember entirely, you know,**

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1 **A. Well, yeah. I mean, sure, I mean, you're --**  
 2 **you use the word "input." Absolutely. I mean,**  
 3 **whether, you know, we were just looking to him to**  
 4 **resolve it, I don't think that -- you know, I don't**  
 5 **think that would have been our intention, but I think**  
 6 **that input, yes, sure.**  
 7 Q. Do you know whether the investigation was  
 8 completed by that point, the next morning?  
 9 **A. I don't remember that because I know there was**  
 10 **more involved than that. I mean, I -- yeah, I don't**  
 11 **recall whether someone did something later after I**  
 12 **left, or whether it was Jim Ryan or, I mean, Jerry**  
 13 **might have done other things. I don't remember.**  
 14 **Specifically what happened after I left for the day or**  
 15 **left with Jerry, you know, after meeting with**  
 16 **Randolph. I don't remember.**  
 17 **You know, when you say, was the**  
 18 **investigation complete, I don't think so but, you**  
 19 **know, I'm not -- you know, without going back over**  
 20 **these notes, I don't know. To say I know exactly when**  
 21 **it was completed, it was very quickly. We were trying**  
 22 **to get things resolved as quickly as we can.**  
 23 Q. But this meeting was basically to determine  
 24 CitiSteel's response to the allegations?

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1 **meeting. I just remember meeting with Warren, and I'm**  
 2 **not so sure, you know, I can remember looking at**  
 3 **everybody around the room and saying, yeah, I**  
 4 **remember, Randolph being there or whether Randolph was**  
 5 **invited in later. I don't remember that.**  
 6 Q. Okay. How about the next line: "We asked  
 7 Randolph if he had given more thought to the claims  
 8 and whether he could tell us anything new or different  
 9 than what he had told us the previous day"?  
 10 Is it fair to say Randolph was present  
 11 during the meeting?  
 12 **A. Well, again, I'll say that, if this is what**  
 13 **I've written here, then that's what -- that's what**  
 14 **happened. You know, I don't remember that, you know,**  
 15 **specifically. No, I don't.**  
 16 Q. Why would Randolph Harris be involved in a  
 17 meeting discussing possible options?  
 18 MS. DIBIANCA: I'm going to object to the  
 19 extent you've already asked and he answered that he  
 20 does not recollect that Randolph was involved.  
 21 MS. BREWINGTON: But he also indicated  
 22 that's what it says there, and he was, so I'm just  
 23 simply --  
 24 MS. DIBIANCA: Then I'll object to the

16 (Pages 58 to 61)

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1 extent you're asking him to speculate.  
 2 BY MS. BREWINGTON:  
 3 Q. You can go ahead and answer.  
 4 A. **I'm sorry. Can you repeat the question?**  
 5 Q. I'm asking, why would Randolph Harris be  
 6 involved in the meeting to discuss possible solutions  
 7 to this issue?  
 8 A. **I don't know if that's what the meeting was  
 9 for. So I'm -- you know, again, I don't recollect  
 10 specifically what that meeting with Warren or initial  
 11 meeting with Warren or follow-up meeting with  
 12 Warren -- like I said, I think part of it was to get  
 13 input. Part of it may have been just to inform. I  
 14 mean -- so I don't -- you know, I can't answer your  
 15 question. If you say why was he there to create a  
 16 resolution, I don't know that that was the intent of  
 17 the meeting. I don't recall that.**  
 18 Q. If I take you to the next sentence, it says,  
 19 "We discussed possible options." It says, "One, ask  
 20 Terri for more information/facts such as the tape  
 21 recording, and, two, remove Terri from the work  
 22 environment so that she would not be feel threatened."  
 23 Why was Randolph in a meeting to discuss  
 24 those options?

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1 **there at some point. So what can I tell you? I don't  
 2 know whether he was still in the room or not.**  
 3 Q. When did the option to transfer Terri to  
 4 shipping come about?  
 5 A. **Well, specifically to shipping? I don't -- I  
 6 think that came up -- again, I mean, according to  
 7 this, the next day. I know it came up at some point.**  
 8 Q. So the 9th?  
 9 A. **I'm sorry?**  
 10 Q. I'm sorry. I didn't know whether you were  
 11 finished. I think I jumped in. But I said, "So the  
 12 9th?" because you said the next day and I just wanted  
 13 to get clarification.  
 14 A. **Well, I'm saying that, according to this, you  
 15 know, what I've written here, apparently it came up  
 16 then, you know, specifically shipping.**  
 17 Q. On the 9th?  
 18 A. **Yeah. Okay. The next day, 4/9.**  
 19 Q. Okay?  
 20 A. **And I'll -- okay. Yeah.**  
 21 Q. Did you want to add something else?  
 22 A. **No. I was just -- no.**  
 23 Q. What was said about transferring Terri to  
 24 shipping?

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1 MS. DiBIANCA: I'm going to object on the  
 2 same two grounds again. You can go ahead and answer,  
 3 if there is an answer.  
 4 A. **I mean, I don't know. I mean, I don't recall  
 5 meeting, was Randolph even still in the meeting at  
 6 that point? I don't know. I don't remember that. So  
 7 I mean, I can't answer you why he would be in a  
 8 meeting with that if I don't remember he was there at  
 9 that specific moment.**  
 10 Q. Do you indicate anywhere in here that Randolph  
 11 left the room?  
 12 MS. DiBIANCA: Lori, I think you're  
 13 mischaracterizing his testimony here, and I'll object  
 14 on that grounds.  
 15 A. **I don't know. I mean, I'm not -- again, I can  
 16 only read this as well as you can right now. If I  
 17 didn't indicate it, I either didn't indicate it  
 18 because I forgot -- I mean, it's -- you know, this is  
 19 what I wrote. So that doesn't mean I can recollect  
 20 everything on here. So did he leave the room? I  
 21 don't know. I apparently didn't say it specifically,  
 22 if that's what you're asking. So does that mean he  
 23 didn't leave the room? I don't remember whether he  
 24 was in the room. But I guess he was if I said he was**

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1 A. **I mean, I don't remember what specifically was  
 2 said other than that I guess it was an idea or a  
 3 you know, here was a potential solution or resolution,  
 4 if you will. But, you know, this would...**  
 5 Q. Whose idea was it?  
 6 A. **Again, I don't remember. I think it says -- I  
 7 say here in writing, "Warren indicated he was already  
 8 planning to eliminate the position." I guess he  
 9 was -- already indicated that then -- whether Jerry  
 10 said, "Well, I've got an idea," I don't know.  
 11 Q. Was it your idea?  
 12 A. **I don't -- you know, I don't remember. I don't  
 13 think -- maybe it was a collective idea. But I don't  
 14 recall specifically how it came up that shipping was a  
 15 good possible resolution. I don't know. I don't  
 16 remember who brought it up initially.**  
 17 Q. Do you have an understanding of why she would  
 18 be transferred to shipping as a solution?  
 19 A. **Other than, again, what was written here, which  
 20 somewhat jogged my memory, but I don't remember. The  
 21 specifics of it was that Warren wanted to eliminate  
 22 those positions anyhow. You know, that was -- and  
 23 that ultimately did come about at some point. So all  
 24 I can say is, you know, there's as good a reason as****

17 (Pages 62 to 65)

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1 **any. But I -- you know with respect to the charge,**  
2 **then, I don't know what to tell you, you know.**  
3 **You know, what's your question again? Why**  
4 **is that a good solution or --**  
5 Q. Yeah. Why would you transfer Terri to the  
6 shipping department?  
7 **A. Again, you know, the paper said that he was**  
8 **going to eliminate those positions anyhow. And the**  
9 **idea is to still have a job, I guess.**  
10 Q. Do you recall how many employees are in the  
11 shipping department at the time of Terri's employment.  
12 **A. Again, hard to recall exactly. I'm going to**  
13 **say 40 maybe.**  
14 Q. And was there a --  
15 **A. A little less than that.**  
16 Q. I'm sorry. 40 or less than that?  
17 **A. Yeah. I don't recall specifically, but I mean,**  
18 **again, it would be in that order -- you know, in that**  
19 **order of magnitude.**  
20 Q. Was there a clerk/typist already in the  
21 shipping department?  
22 **A. You know I'm trying to think of the role of the**  
23 **clerk or who we called the clerk there. Having a hard**  
24 **time recollecting that. Understand, I didn't have**

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1 **indicated he was already planning to eliminate the**  
2 **clerical position." So was that the first time I**  
3 **heard about it? Maybe it was.**  
4 Q. If you know this, let me know. If you don't,  
5 just say I don't know. Was the position in the  
6 shipping department posted? And the position meaning  
7 the typist/clerical position that Terri was to do.  
8 **A. I certainly don't remember that. If it was,**  
9 **you know, there might be some record of it, but I**  
10 **don't -- I don't remember that.**  
11 Q. Do you know whether she was taking over for  
12 someone else?  
13 **A. Again, that I don't recall either.**  
14 Q. Okay.  
15 **A. I mean, I don't remember all the positions in**  
16 **the shipping department that were there. I mean, I**  
17 **couldn't tell you how many people exactly worked**  
18 **there. I couldn't tell you all the different**  
19 **positions that were there.**  
20 Q. Did you provide Terri with a reason for why she  
21 was being transferred?  
22 **A. I don't remember talking with her about that**  
23 **or, you know, personally being involved with that to**  
24 **be honest with you, so I don't know.**

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1 **shipping throughout my period as vice-president of**  
2 **operations. I was only given shipping so many months**  
3 **earlier. So I don't recall that department even as**  
4 **well as I don't recall the other places where I spent**  
5 **a lot more of my time.**  
6 **So, I mean, again, it says here, they**  
7 **would gain a second clerk, but job responsibilities**  
8 **there clerk-wise were quite a bit different.**  
9 Q. The job responsibilities where?  
10 **A. In shipping. In other words, they -- I don't**  
11 **remember the specific duties of the clerk. They were**  
12 **just different than those in the melt shop. So I**  
13 **don't recall right at the moment what -- you know,**  
14 **what exactly a clerk did there.**  
15 Q. But she would be the second clerk in the  
16 shipping department?  
17 **A. That's what it says here. I mean, you know,**  
18 **again, do I remember that specifically? No.**  
19 Q. And when did you first learn that Warren was  
20 planning to eliminate Terri Snyder's position?  
21 **A. I'm guessing it was this meeting, but I can't**  
22 **say that with any degree of confidence either. You're**  
23 **asking about a specific position of all operations,**  
24 **and I don't know. I mean, here I wrote, "Warren**

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1 Q. Was anything given to Terri in writing  
2 outlining the terms of the transfer?  
3 **A. I don't remember. I mean, if it was, again,**  
4 **I'm assuming you'd have something in writing in one of**  
5 **these -- you know, you'd have it, but you know, I**  
6 **certainly don't remember somebody giving something to**  
7 **her because I don't think I was involved at that**  
8 **point. That something was physically given in writing**  
9 **to her, I didn't do it. I don't think.**  
10 Q. Was Terri allowed to return to her position in  
11 the melt shop if she didn't want to transfer?  
12 **A. Again, my recollection is that she was not**  
13 **going to go back to the melt shop. I don't -- you**  
14 **know, again, I don't know whether she was allowed to.**  
15 **I don't know. I don't remember that specifically**  
16 **about, you know, that day or afternoon or whatever.**  
17 Q. Would you have allowed her to return to the  
18 melt shop?  
19 **A. Would I have allowed her to return to the melt**  
20 **shop?**  
21 Q. Mm-hmm.  
22 **A. Me personally?**  
23 Q. Yes.  
24 **A. I really don't think that that's relevant.**

18 (Pages 66 to 69)

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1 MS. DIBIANCA: And I'll object to the  
 2 extent it requires speculation.  
 3 Q. You can answer that question. Go ahead.  
 4 MS. DIBIANCA: You can answer.  
 5 A. Well, I mean, the decision, again, involving a  
 6 harassment case would not be up to me. How it gets  
 7 resolved, I wasn't -- you know, I wouldn't have that  
 8 position making authority. It has to be ultimately  
 9 decided by the company. You know, I was -- which I  
 10 was an officer, but I couldn't allow somebody to do  
 11 anything simply because I wanted something to happen.  
 12 That's not really relevant.  
 13 Q. Did you personally want her back in the melt  
 14 shop?  
 15 A. Again, you know, how did I feel at that time,  
 16 you know, I don't recall specifically. You know, I  
 17 think I wanted the situation to be resolved to  
 18 everybody's satisfaction. That's all. I mean, I  
 19 think that's what everybody wants. But sometimes you  
 20 don't get what you want, so...  
 21 Q. What was the alternative if Terri chose not to  
 22 accept the transfer?  
 23 A. Again, I mean, when and how it was positioned,  
 24 I don't recall that, but the alternative was,

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1 when she left on April 10th?  
 2 A. I don't believe we hired anybody for that job,  
 3 no.  
 4 Q. And the plate mill, was that eliminated that  
 5 same day?  
 6 A. Again, I don't remember specifically how the  
 7 plate mill position was handled. You say eliminated,  
 8 they might have been informed that they were going to  
 9 do something different from that point forward. But I  
 10 don't -- that day or the next day, I don't know. I  
 11 don't remember that.  
 12 Q. Who was the clerk/typist in the plate mill?  
 13 A. I'm sorry. I don't remember that either.  
 14 Q. You don't know who it was?  
 15 A. I honestly can't remember who that was. I  
 16 mean, that's --  
 17 Q. After Terri's employment ended, after her  
 18 employment ended, who completed her job duties?  
 19 A. Again, you're -- you know, you're saying like  
 20 the next day or following day or whatever. I mean, we  
 21 always had -- I mean, it was not like a person  
 22 couldn't be sick or take vacation or something. We  
 23 always had people able to fill in. And I mean, it was  
 24 supervisors. Again, specifically who took them over,

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1 obviously, there's not going to be a job in the melt  
 2 shop since the position was going to be eliminated.  
 3 So I don't recall what other alternatives might have  
 4 been discussed with her, but...  
 5 Q. When was the position eliminated in the plate  
 6 mill?  
 7 A. You know, that I don't remember. I know  
 8 that -- you know, again, we were going to create some  
 9 different type of -- again, eliminate positions to  
 10 consolidate positions, you know, in clerical type  
 11 roles. Again, clerical roles weren't exactly at the  
 12 high end of my list of things to worry about. So I  
 13 didn't. I can't remember specifically dates or  
 14 people, you know, when that job changed specifically,  
 15 but...  
 16 Q. You mentioned in your writing that Warren  
 17 indicated that he was planning to eliminate the  
 18 clerical position in both the melt shop and plate  
 19 mill, correct?  
 20 A. Like I said, that's what I wrote. So I'll say  
 21 that's what transpired that day or what my  
 22 understanding of what he said transpired.  
 23 Q. Was the clerical position in the melt shop,  
 24 specifically Terri's position, was that eliminated

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1 whether it was even when people go on vacation, the  
 2 plate mill clerk used to sub for the melt shop.  
 3 Again, when -- you know, that was throughout my  
 4 tenure. So there was always people who could fill in  
 5 and do certain functions. So who specifically filled  
 6 in immediately following, I don't remember.  
 7 Q. Okay. That's fine if you don't remember who  
 8 immediately stepped in. But how about long term, do  
 9 you remember who did anything in terms of running the  
 10 reports, anything that she used to do? Who would be  
 11 the person that did it?  
 12 A. I don't remember that either. I mean, I can't  
 13 remember the plate mill person's name. So whether it  
 14 was them or whether -- again, there's a --  
 15 Q. Well, I guess I'm asking, would they be  
 16 supervisors, general employees? Do you have any  
 17 inclination about who did her job?  
 18 And I'm not talking about immediately  
 19 after the next day, but just in general.  
 20 A. Well, boy, I'm really struggling to remember  
 21 that. I think we just combined the position somehow,  
 22 and you know, but I really -- I don't remember it. I  
 23 really don't.  
 24 Q. What positions did you combine?

19 (Pages 70 to 73)

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1 A. Well, whatever duties that the clerks were  
2 doing, you know, trying to combine those into other  
3 functions, either other people take up those  
4 functions, and have one person do both, or -- I don't  
5 even remember. I mean that's what I'm saying. I  
6 don't remember how they -- obviously a lot of those  
7 duties still remain, but who exactly wound up doing  
8 them, I don't remember.

9 Q. I don't really need you to tell me who exactly.  
10 I just wanted to know the role of the person. You  
11 mentioned people --

12 A. I understood that's what you meant. I don't  
13 remember. I mean, whether -- you know, parts of those  
14 might have went into some of the supervisor duties.

15 Q. Okay.

16 A. I seem to recall like time sheets -- again, I'm  
17 trying to recollect. So I'll give you one piece of  
18 what I may recollect is supervisors may have started  
19 putting in their own time sheets. You know, that was  
20 one of the duties, and I don't even remember whether  
21 it was a duty at the time of Terri or the plate mill  
22 because we did back -- you know, when did that take  
23 over? I don't remember. Those are the type of things  
24 we ultimately were doing.

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1 witnessed that. I said that he asked her to leave.  
2 Then that's what he told me. But my memory isn't  
3 telling me that.

4 MS. BREWINGTON: I don't have anything  
5 further.

6 MS. DIBIANCA: All right. Mr. Buragino, I  
7 know you are on a crunch for time, so I'm not going to  
8 hold you up, but I do have a few follow-up questions.

9 EXAMINATION

10 BY MS. DIBIANCA:

11 Q. Do you know what the job duties were for the  
12 clerk/typist in the melt shop.

13 A. You know, I know -- recall some of them. I  
14 can't recall all of them, no.

15 Q. Can you give me a general sort of layman's  
16 description of the function of that position?

17 A. Okay. Time, you know, keeping track of time  
18 sheets, vacations, you know, schedule, schedule-type  
19 information, data, such as inventory data, you know,  
20 we talked about that earlier. There was some other  
21 data that pieces of equipment generated information  
22 they were required to keep up.

23 Q. And then as far as data entry and time sheets  
24 go, were those also duties of the clerk/typist in the

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1 Q. Was Terri told at any time that her position  
2 was going to be eliminated?

3 A. I don't think so, but I don't know. Prior to  
4 that -- I don't recall even being told prior to that.  
5 But maybe I was. I just don't remember.

6 Q. But do you recall telling Terri that her job  
7 was --

8 A. I don't recall telling Terri, no.

9 Q. And do you know whether anyone else told Terri  
10 that her job was going to be eliminated?

11 A. No. I don't know whether anyone else did.

12 Q. Was Terri terminated from her position at  
13 CitiSteel?

14 A. I don't think that technically is true. I  
15 think -- I think technically she just left. That's  
16 what I recall in my poor memory.

17 Q. Can I take you to the last sentence on D377?  
18 "At approximately 8:45 a.m. on Thursday, Jerry called  
19 to tell me that Terri continued to be upset and 'out  
20 of control' and that he again asked her to leave."

21 A. Okay.

22 Q. Do you know whether Jerry asked her to leave  
23 the premises that day?

24 A. Again, I don't think I was there or physically

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1 shipping department?

2 A. You know, I don't remember specifically who was  
3 doing what in shipping. Again, I had a lot less time  
4 involved in shipping.

5 Q. Okay.

6 A. So I don't remember what that clerk was doing.  
7 They may have been doing other things relative to the  
8 shipping function, just had the title of clerk. I  
9 don't remember. I don't remember who that was even.

10 Q. What was Jerry Downie's reaction when you and  
11 Mr. Ford informed him of Ms. Snyder's allegations?

12 A. His reaction, again -- again, I don't remember.  
13 You know, shocked, surprised. I don't remember  
14 exactly, you know, a reaction. I just remember that,  
15 you know, Jerry, I thought, you know, knew what to do  
16 and initiated a fairly thorough investigation, you  
17 know, according to our policy. I think he was pretty  
18 good at that.

19 Q. Did he take the allegations seriously?

20 A. Yes. I mean, that -- yes. Sure. I mean, I  
21 would say that. Reacting, I don't know, I mean. But  
22 I think he did what he was supposed to do in that  
23 situation very professionally.

24 Q. Was it policy of CitiSteel to put an alleged

20 (Pages 74 to 77)

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1 victim and alleged harasser in the same typical  
 2 working environment? Would that be a policy of  
 3 CitiSteel?  
 4 **A. I don't recall, you know, that specific portion**  
**5 of the policy. So I can't -- I can't say that,**  
**6 whether it would have or wouldn't have. I guess, you**  
**7 know, with regard to policy, I can't say.**  
 8 Q. I'm just trying to go back to the earlier  
 9 testimony about whether Ms. Snyder was comfortable,  
 10 was the word that was used, working in an environment  
 11 with Mr. Harris.  
 12 **A. Well, I mean, I think if I can -- you know, you**  
**13 hate to say something that's untrue, and I don't want**  
**14 to say something untrue, but I mean, I do think there**  
**15 was something about -- you know, in the policy or the**  
**16 procedure of, you know, one of the first things you're**  
**17 supposed to do or should do is make sure that -- you**  
**18 know, there's a short-term thing you should do, and**  
**19 that's get the person away from that environment. I**  
**20 don't know. That seems to be -- but I don't remember**  
**21 that specifically, so I don't really know what to say**  
**22 that as if I know that as a fact, but for some reason**  
**23 that, you know, keeps popping into my head.**  
 24 Q. Does that make sense to you now, sort of in

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1 **A. That's possible. Again, I don't recall**  
**2 specifically the timing. I mean, to be honest with**  
**3 you, for some reason, I thought we were in Warren's**  
**4 office, and now -- I mean, I'm reading this and I can**  
**5 take it as a fact that we were speaking with -- you**  
**6 know, in Jerry's office, this says.**  
 7 Q. I think you recalled meeting in Mr. Beiger's  
 8 office with Randolph or just with Mr. Beiger and  
 9 Mr. Downie?  
 10 **A. Well, again, I don't recall the meeting**  
**11 specifically at all. You know, I just remember**  
**12 meeting with Warren with Jerry, and I guess -- again,**  
**13 I'm reading what I said here, so I have to take it at**  
**14 face value that Randolph was there at least for some**  
**15 portion, but I didn't remember that. So could there**  
**16 have been two separate meetings? I guess there could**  
**17 have. You know, maybe I just didn't write that well**  
**18 enough. I don't know. You know, without -- if it's**  
**19 not on this sheet of paper, it's hard enough, to be**  
**20 quite frank with you, even remembering it reading it.**  
 21 **So I don't remember it not reading it.**  
 22 Q. And your opinion of Mr. Harris, can you give me  
 23 your opinion of his character?  
 24 **A. You know, I worked with Randolph a long time.**

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1 retrospect that that would be a good policy to have,  
 2 to keep the alleged victim away from her alleged  
 3 harasser?  
 4 **A. Well, I think that's -- maybe that's why I used**  
**5 term "rational" before, not because I fully recalled**  
**6 the policy, but just because I think, well, you know,**  
**7 right. Ask me here today, and I knew nothing. I'd**  
**8 say, well, certainly in the interim, the first thing**  
**9 you want to do is make sure that the person is not**  
**10 still feeling harassed or not feeling -- you know,**  
**11 they are not feeling like they are being threatened by**  
**12 being around the person that they are claiming**  
**13 harassment from. So it seems like the rational thing**  
**14 to do as possibly a short-term or long-term**  
**15 resolution.**  
 16 Q. Part of that would have been to protect the  
 17 alleged victim, is that correct?  
 18 **A. Sure. Yes.**  
 19 Q. Up to the document identified at D377, I  
 20 believe, where it states that you, Mr. Downie, and  
 21 Warren, Mr. Warren Beiger, met with Randolph. Could  
 22 there have been two meetings where you met with  
 23 Mr. Beiger and Mr. Downie during one meeting and then  
 24 a separate meeting where Mr. Harris was also present?

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1 **Okay? Up to that point was almost 13 years. And I**  
**2 had, and continue to have, a very high opinion of**  
**3 Randolph as a person, as an employee. I mean, it**  
**4 just -- you know, very few people that I would rank as**  
**5 high as I rank Randolph. That's not always in terms**  
**6 of job performance, but in terms of just his demeanor,**  
**7 his way he goes about what he does, his dedication,**  
**8 loyalty, all of those things that, you know, bosses**  
**9 like to have, and even colleagues like, you know. I**  
**10 was -- you know, I have a lot of good words I could**  
**11 say about Randolph. I just have a very high opinion**  
**12 of him.**  
 13 Q. Would one of those descriptions of Mr. Harris,  
 14 would it be -- would he be honest?  
 15 **A. I always thought Randolph was a very honest**  
**16 person. And again, I still do. Knowing him, I mean**  
**17 he is just the type of guy -- I mean, I felt I could**  
**18 always trust. He's just that type of guy. I mean,**  
**19 that's his character, his nature. Just he'd be the**  
**20 type of person to give you the shirt off his back.**  
 21 **And he did. Just the way he is.**  
 22 Q. What about Ms. Snyder's performance? You did  
 23 testify a bit earlier about her performance to some  
 24 extent, but I'd like to have you elaborate, to the

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21 (Pages 78 to 81)

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1 extent that you can recall, what problems there were  
 2 with her performance and/or who had problems with her  
 3 performance. If you could just elaborate on that for  
 4 me, that would be great.  
 5 **A. You know, what I recollect, which is, you know, very general in nature -- can I -- I can't say that I specifically followed the performance of every individual in the shop, but was that this person started out as a fairly good employee and, over time, deteriorated and, you know, was missing more days and not doing as well and, you know, had changed, you know, for whatever reason. I don't know. You know, I don't know the person. So I don't know what evolved, but this person had changed their performance and that kept, you know, coming to my attention. Ultimately it came to a head. And I don't even recall whether there were verbal warnings prior to the written warnings. I mean, again, many times things were not documented that were verbal. Things were discussed with individuals. That was the whole point of a verbal warning was it didn't necessarily go into your record. But you know -- so I don't recall all that.**  
 23       **But it escalated to the point of my involvement. Believe me, these are -- neither Dennis**

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1 **performance if there wasn't a reason to ask her about Terri's performance. For some reason I recall she told me, it wasn't that good, but again, I didn't see -- never saw this note before, so maybe she told Terri something different. But I can't recall exactly whether, you know, whether it was prior to this and I was trying to fact find. I don't know.**  
 8       **Q. Okay.**  
 9       **A. I don't remember all that.**  
 10      **Q. And did you testify earlier that employees are not often issued a written discipline?**  
 12      **A. You know, we -- I wasn't -- you know, for the amount of employees we had, you know, we didn't -- we weren't writing people up all the time. It wasn't like every day there was disciplines, and so, you know, I think that it didn't get to that level until the employee was -- you know, there was trouble and they had -- at that point, it was -- you know, they needed to know that this was very serious.**  
 20      **Q. Okay. Mr. Ford and Mr. Harris, could you characterize the nature of their relationship for me, their working relationship?**  
 23      **A. Well, you know, everyone knew that Randolph and Dennis did not get along, and I think -- you know, I**

1 **nor Randolph would be the type to bring it to my attention unless it was very serious. These guys were pretty self-sufficient general supervisors. And unless they felt that there was some need of my intervention or something that I had to do to assist them, they generally wouldn't even bring it to my attention. So, you know, that just, to me, highlights in retrospect why it became important that this was, you know, getting pretty bad. The person was not doing their job, and it was hurting them.**  
 11      **Q. Do you recall Mr. Ford and Mr. Harris bringing Ms. Snyder's performance to your attention?**  
 13      **A. Again, I only can remember that, you know, prior to this, there was good performance and prior -- it got bad. They told me about that. Then it -- you know, it got to this level. You know, how many specific times it came up, I don't know. I just remember it came up and went from being a non-issue to an issue and, you know, not like overnight but over time.**  
 21      **Q. Okay.**  
 22      **A. And there were other people who had said things, and again, I don't think I would have talked to Carmella in hindsight or asked her about Terri's**

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1 **certainly knew it. Unfortunately had to sit in the middle of that many a time and try to manage it the best I could. I mean, as two very hard working and, I think, very good individuals, I certainly tried to appreciate, utilize each of their talents respectively. But personally, they were two different types of personalities. And for whatever reason -- and I can't even tell you. I mean, they just didn't get along.**  
 10      **Q. Do you recall if Mr. Ford believed Ms. Snyder's allegations?**  
 12      **A. I don't really -- can't say I recall exactly, but I don't think that Dennis felt comfortable with that, that I -- I seem to recall he didn't feel that it was -- didn't make sense to him or whatever. But I, you know, I don't recall exactly what he thought of it. I don't know. Dennis was a very quiet man, wasn't one to tell you what he felt all the time. You know, very professional man but, again, a little more reserved.**  
 21      **Q. And do you recall whether Ms. Snyder asked Mr. Downie if she could have her father present at one of the meetings?**  
 24      **A. That doesn't ring a bell. I'm not saying that**

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1 **she didn't say it, but...**  
 2 Q. Okay.  
 3 **A. She might have said that, but I don't recall**  
 4 **that.**  
 5 Q. That's fine.  
 6 MS. DiBIANCA: That's all the questions  
 7 that I have.  
 8 MS. BREWINGTON: I don't have anything  
 9 further.  
 10 (Deposition ended at approximately  
 11 2:40 p.m.)

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REPLACE THIS PAGE

WITH THE ERRATA SHEET

AFTER IT HAS BEEN

COMPLETED AND SIGNED

BY THE DEPONENT.

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State of Delaware )  
)  
New Castle County )

## CERTIFICATE OF REPORTER

I, Ann M. Calligan, Registered Merit  
Reporter and Notary Public, do hereby certify that  
there came before me on the 16th day of June, 2006,  
the deponent herein, GREGORY BURAGINO, who was duly  
sworn by me and thereafter examined by counsel for the  
respective parties; that the questions asked of said  
deponent and the answers given were taken down by me  
in Stenotype notes and thereafter transcribed by use  
of computer-aided transcription and computer printer  
under my direction.

I further certify that the foregoing is a true  
and correct transcript of the testimony given at said  
examination of said witness.

I further certify that I am not counsel,  
attorney, or relative of either party, or otherwise  
interested in the event of this suit.

Ann M. Calligan, RMR  
(Certification No. 186-RPR)  
(Expires January 31, 2008)

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